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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ALAN STEIN,

Plaintiff,

v.

UNITED STATES DEPARTMENT OF
COMMERCE,

Defendant.

) CASE NO. 15-03510 JST

) JOINT STIPULATION AND ~~PROPOSED~~ ORDER
) TO VACATE BRIEFING SCHEDULE AND STAY
) PROCEEDINGS TO ALLOW TIME TO
) NEGOTIATE RESOLUTION OF PLAINTIFF'S
) REQUEST FOR ATTORNEY'S FEES AND COSTS

STIPULATION TO VACATE BRIEFING SCHEDULE AND STAY PROCEEDINGS
15-03510 JST

1 Pursuant to Local Rule 6-2(a), Plaintiff Alan Stein (“Plaintiff”) and Defendant United States
2 Department of Commerce (“Defendant”) hereby stipulate and agree, subject to the approval of the
3 Court, that:

4 1. On August 2, 2015, Plaintiff filed an Amended Complaint for Declaratory and Injunctive
5 Relief under the Freedom of Information Act (“FOIA”) that identifies 12 FOIA Requests that are the
6 subject of this litigation (“Complaint”). Dkt. No. 8.

7 2. Defendant has completed its production of documents responsive to the 12 FOIA
8 Requests that are the subject of this litigation, to the extent such documents exist.

9 3. On October 1, 2015, pursuant to stipulation by the parties, this Court stayed this action
10 and continued the Case Management Conference originally scheduled for November 10, to December
11 16, 2015. Dkt. No. 19.

12 4. On December 1, 2015, this Court issued an Order pursuant to the Initial Case
13 Management Statement filed by the parties continuing the Case Management Conference scheduled for
14 December 16, 2015 to February 10, 2016, and continuing the stay of this action until February 10, 2016.
15 Dkt. No. 21.

16 5. On February 10, 2016, this Court issued a Scheduling Order requiring the parties to file
17 dispositive motions by May 27, 2016, and setting trial for September 12, 2016. Dkt. No. 25.

18 6. On April 19, 2016, pursuant to the request of the parties (Dkt. No. 28), this Court
19 modified the case deadlines by issuing a Scheduling Order that set out a briefing schedule for the
20 parties’ anticipated cross-motions for summary judgment. Dkt. No. 30.

21 7. After an extensive meet and confer process, Plaintiff has decided not to further challenge
22 the sufficiency of Defendant’s search for responsive documents, or Defendant’s redactions and
23 withholdings pursuant to certain FOIA statutory exemptions.

24 8. Accordingly, as no further issues exist between the parties that would require this Court
25 to consider and rule on cross-motions for summary judgment, the parties stipulate and request that this
26 Court vacate the briefing schedule set out in this Court’s April 19, 2016 Scheduling Order, set a Case
27 Management Conference for July 20, 2016 at 2:00 pm, and stay the case until July 20, 2016 to allow
28 time for the parties to negotiate a resolution of the only remaining issue in this matter regarding

1 Plaintiff's request for attorney's fees and costs. The parties will submit a Joint Supplemental Case
2 Management Statement seven (7) days before the Case Management Conference.

3 IT IS SO STIPULATED.

4
5 DATED: June 3, 2016

By: /s/ David Bahr

DAVID BAHR

Attorney for Plaintiff

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7 DATED: June 3, 2016

By: /s/ Rachel Doughty

RACHEL DOUGHTY

Attorney for Plaintiff

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9 DATED: June 3, 2016

BRIAN J. STRETCH

United States Attorney

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11 By: /s/ Rebecca A. Falk

REBECCA A. FALK¹

Assistant United States Attorney

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13 **IT IS SO ORDERED.**

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15 DATED: June 7, 2016

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HONORABLE JUDGE
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
IT IS SO ORDERED
Jon S. Tigar
Judge Jon S. Tigar

¹ I, Rebecca A. Falk, hereby attest, in accordance with the Civil L.R. 5(i)(3), the concurrence in the filing of this document has been obtained from the other signatory listed here.