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8 **UNITED STATES DISTRICT COURT,
9 NORTHERN DISTRICT OF CALIFORNIA**

10 NATIONAL ABORTION FEDERATION)
11 (NAF),)

11 Plaintiff,)

12 vs.)

13 THE CENTER FOR MEDICAL)
14 PROGRESS; BIOMAX PROCUREMENT)
15 SERVICES, LLC; DAVID DALEIDEN (aka)
16 "ROBERT SARKIS"); and TROY)
17 NEWMAN,)

17 Defendants.)

) Case No. 3:15-cv-3522 (WHO)

) Judge William H. Orrick, III

) CORRECTED JOINT STIPULATION
) FOR SHORTENING BRIEFING
) SCHEDULE ON DEFENDANTS'
) MOTIONS TO CLARIFY THE
) TEMPORARY RESTRAINING ORDER

) Hearing Date: August 31, 2015

) Time: 10:00 a.m.
)
)

1 **STIPULATION**

2 Pursuant to Local Rule 6-2, Plaintiff, National Abortion Federation and Defendants Center
3 for Medical Progress, Biomax Procurement Services, LLC, and David Daleiden (hereinafter
4 “Defendants”), file this stipulation to shorten the briefing schedule for Defendants’ Motion To
5 Clarify Temporary Restraining Order As It Relates To Nucatola Transcript (Doc. 60-3, Filed Under
6 Seal) and Defendants’ Motion To Clarify Temporary Restraining Order As It Relates To Any
7 Subpoenas (Doc. 61) (hereinafter “Motions for Clarification”) and state in support whereof as
8 follows:

9 1. Defendants filed two Motions for Clarification on August 12, 2015 (Doc. 60-3 &
10 61);

11 2. On August 14, 2015, this Court entered an Order stating that “a normal briefing
12 schedule was set for this motion,” but that the schedule could be modified if parties “met and
13 confer[red]” and submitted a stipulation;

14 3. Defendants seek to shorten the briefing schedule because a) Plaintiff has stated that
15 it believes Defendants are in violation of the August 3, 2015, Temporary Restraining Order
16 (“TRO”) due to the continued posting of information on its website, while Defendants dispute this
17 interpretation of the TRO; and b) Defendants have received a subpoena from the State of Arizona,
18 seeking production of documents whose disclosure appears to be forbidden by the TRO, and the
19 subpoena has a return date of August 25, 2015. Clarification is thus needed promptly to determine
20 what documents are and are not covered by the TRO.

21 4. Counsel for Plaintiff and Defendants have met and conferred and reached a
22 stipulation on this matter.

23 5. Only one prior modification has been made to the schedule in this matter. The
24 parties stipulated to a schedule extending the briefing and hearing schedule on NAF’s preliminary
25 injunction motion (Doc. 34); this was granted on August 6, 2015 (Doc. 34).
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1 6. Under the normal briefing schedule, Plaintiffs' Responses would be due on August
2 27, 2015; Defendants' Replies would be due on September 3, 2015; and hearing would be
3 September 17, 2015.

4 7. Parties have agreed to stipulate to the following briefing schedule instead:

5 Defendants shall seek an extension on the return date of the Arizona Attorney
6 General's subpoena;

7 Defendants shall not produce any documents in response to the subpoena until after
8 the Court has ruled on Defendants' Motion for Clarification As It Relates to Any
9 Subpoenas;

10 Plaintiffs shall file any Responses to the Motions for Clarification by Tuesday,
11 August 25, 2015;

12 Defendants shall file any Replies to the Motions for Clarification by Friday, August
13 28, 2015;

14 The matter shall be set for a hearing on Monday, August 31, 2015.

15 8. Thus the hearing will be advanced by 14 days as a result of this stipulation.

16
17 WHEREFORE IT IS HEREBY STIPULATED and agreed to by and between Plaintiff and
18 Defendants, subject to the approval of the Court that:

19 Defendants shall seek an extension on the return date of the Arizona Attorney General's
20 subpoena;

21 Defendants shall not to produce any documents in response to the subpoena until after the
22 Court has ruled on Defendants' Motion for Clarification As It Relates to Any Subpoenas;

23 Plaintiffs shall file any Responses to the Motions for Clarification by Tuesday, August 25,
24 2015;

25 Defendants shall file any Replies to the Motions for Clarification by Friday, August 28,
26 2015;

27 The matter shall be set for hearing on Monday, August 31, 2015, at 10:00 a.m.

1 Dated: August 20, 2015

2 /s/ Christopher Robinson

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/s/ John Sauer

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Attorneys for Defendants,

*The Center for Medical Progress, Biomax Procurement
Services LLP, David Daleiden (aka "Robert Sarkis")*

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16 **CERTIFICATE OF SERVICE**

17 I hereby certify that on August 20, 2015, I caused the foregoing CORRECTED JOINT
18 STIPULATION FOR SHORTENING BRIEFING SCHEDULE ON DEFENDANTS'
19 MOTIONS TO CLARIFY THE TEMPORARY RESTRAINING ORDER to be filed with
the United States District Court for the Northern District of California via the Court's CM/ECF
system.

20 /s/ Christopher L. Robinson

21 Christopher L. Robinson

22 **ATTESTATION OF E-FILED SIGNATURE**

23 I, Christopher L. Robinson, am the ECF User whose ID and password are being used to file this
24 CORRECTED JOINT STIPULATION FOR SHORTENING BRIEFING SCHEDULE ON
25 DEFENDANTS' MOTIONS TO CLARIFY THE TEMPORARY RESTRAINING
ORDER. In compliance with General Order 45, X.B., I hereby attest that D. John Sauer concurs
in this filing.

26 Dated: August 20, 2015

/s/ Christopher L. Robinson

27 Attorney

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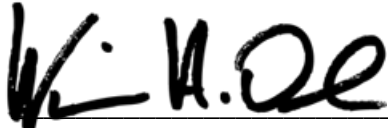
ORDER

Good cause appearing, the Court hereby **modifies** the above Stipulation as follows:

1. Defendants shall seek an extension on the return date of the Arizona Attorney General’s subpoena;
2. Defendants shall not produce any documents in response to the subpoena until after the Court has ruled on Defendants’ Motion for Clarification As It Relates to Any Subpoenas;
3. Plaintiffs shall file any Responses to the Motions for Clarification by Tuesday, August 25, 2015;
4. Defendants shall file any Replies to the Motions for Clarification by Friday, August 28, 2015;
5. The matter shall be set for hearing on **Tuesday, September 1, 2015, at 10:00 a.m. in Courtroom 2, 17th floor.**

IT IS SO ORDERED.

Dated: August 20, 2015



Honorable William H. Orrick, III
United States District Judge