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ELECTRONIC FRONTIER FOUNDATION

**UNITED STATES DISTRICT COURT**  
**FOR THE NORTHERN DISTRICT OF CALIFORNIA**  
**SAN FRANCISCO DIVISION**

ELECTRONIC FRONTIER FOUNDATION, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
UNITED STATES DEPARTMENT )  
OF JUSTICE, )  
 )  
Defendant. )

Case No. 16-cv-02041-HSG

**STIPULATION AND ORDER TO SET  
BRIEFING SCHEDULE AND VACATE  
CASE MANAGEMENT CONFERENCE**

1 Pursuant to L. R. 7-12, Plaintiff Electronic Frontier Foundation (“EFF”) and Defendant  
2 United States Department of Justice hereby stipulate to the proposed briefing schedule for cross-  
3 motions for summary judgment in this case outlined below and request that the Court order the  
4 same.

5 (1) As the Joint Case Management Statement (JCMS) filed on July 26, 2016 (ECF No. 23)  
6 indicated, the parties conferred at various times and significantly narrowed the issues prior to the  
7 scheduled Case Management Conference (CMC) on August 2, 2016. At the time of filing the JCMS,  
8 the primary outstanding issue that the parties had yet to reach an agreement on was a schedule or  
9 plan for cross-motions for summary judgment. The parties continued to confer and have reached  
10 agreement on a schedule as follows:

11 **September 22, 2016** Defendant’s Motion for Summary Judgment (25 pages)

12 **October 13, 2016** Plaintiff’s Combined Cross-Motion for  
13 Summary/Judgment/Opposition to Defendant’s Motion (50 pages)

14 **November 3, 2016** Defendant’s Combined Opposition to Plaintiff’s Motion/Reply in  
15 Support of Their Motion for Summary Judgment (40 pages)

16 **November 17, 2016** Plaintiff’s Reply in Support of Its Motion for Summary Judgment (15  
17 pages)

18 **December 15, 2016** Requested Hearing Date

19 (2) In light of the parties’ agreement on the proposed briefing schedule, the parties  
20 respectfully submit that the scheduled CMC may no longer be necessary. Should the Court agree, the  
21 parties jointly request the Court vacate the CMC scheduled for 2 p.m. on August 2, 2016.

August 1, 2016

Respectfully submitted,

By /s/ Aaron Mackey  
Aaron Mackey

ELECTRONIC FRONTIER FOUNDATION  
815 Eddy Street  
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*Attorneys for Plaintiff*

August 1, 2016

Respectfully submitted,

BENJAMIN C. MIZER  
Principal Deputy Assistant Attorney General

MELINDA HAAG  
United States Attorney

ELIZABETH J. SHAPIRO  
Deputy Branch Director

By /s/  
RODNEY PATTON  
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United States Department of Justice  
Civil Division, Federal Programs Branch  
20 Massachusetts Avenue, N.W.  
Washington, D.C. 20001

*Attorneys for Defendant*

**DECLARATION PURSUANT TO LOCAL RULE 5-1(I)(3)**

Pursuant to Civil L.R. 5-1(i)(3), I, Aaron Mackey, declare that I obtained the concurrence of Rodney Patton, counsel for Defendant, United States Department of Justice, in the filing of this document.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed this 1<sup>st</sup> day of August, 2016 in San Francisco, California

DATED: August 1, 2016

Respectfully submitted,

By /s/ Aaron Mackey  
Aaron Mackey

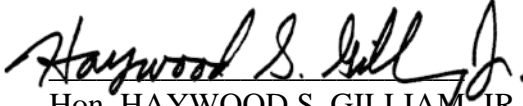
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**ORDER**

PURSUANT TO STIPULATION, IT IS SO ORDERED. The parties shall file their summary judgment briefs in accordance with the schedule above.

IT IS FURTHER ORDERED. The Case Management Conference scheduled for 2 p.m. on August 2, 2016 is vacated.

DATED: August 2, 2016

  
Hon. HAYWOOD S. GILLIAM, JR.  
United States District Court Judge