

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

BENJAMIN C. MIZER  
Principal Deputy Assistant Attorney General  
BRIAN STRETCH  
United States Attorney  
ELIZABETH J. SHAPIRO  
Deputy Branch Director  
RODNEY PATTON  
Senior Counsel  
JULIA BERMAN  
Trial Attorney  
United States Department of Justice  
Civil Division, Federal Programs Branch  
20 Massachusetts Avenue, N.W.  
Washington, DC 20001  
Tel: (202) 305-7919  
Fax: (202) 616-8470  
Email: rodney.patton@usdoj.gov

**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

**STIPULATION AND ~~PROPOSED~~  
ORDER TO AMEND PAGE  
LIMITATIONS IN BRIEFING  
SCHEDULE**

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 amendment to the page  
3 limitations in the current briefing schedule for cross-motions for partial summary judgment in this  
4 case as outlined below and request that the Court order the same.

5 1. On August 2, 2016, the Court ordered, pursuant to a stipulation of the parties, the  
6 following briefing schedule and page limitations for the parties’ cross-motions for summary  
7 judgment:

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

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

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

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

15 2. Thereafter, on September 20, 2016, Defendant filed an Unopposed Administrative  
16 Motion to Modify Briefing Schedule to Provide for Cross-Motions for Partial Summary Judgment.  
17 Defendant sought to modify the briefing schedule from one that envisioned the filing of cross-  
18 motions for summary judgment to one that envisioned the filing of cross-motions for partial  
19 summary judgment, because only one of the two Freedom of Information Act (“FOIA”) requests that  
20 form the basis of this suit were ready for dispositive briefing, for the reasons set forth in that  
21 administrative motion. *See* Defendant’s Unopposed Administrative Motion to Modify Briefing  
22 Schedule to Provide for Cross-Motions for Partial Summary Judgment, ECF No. 27.

23 3. On September 22, 2016, the Court granted this administrative motion in a Minute  
24 Entry Order, but it directed that the parties “submit a joint stipulation proposing substantially shorter  
25 page limits for the briefs related to their cross-motions for partial summary judgment by September  
26 28, 2016.”

27 4. The parties have conferred and have stipulated to the page limits as set forth below;  
28 the proposed page limits take into account the fact that the FOIA request being addressed in the

- 1 current schedule is the more legally complex of the two FOIA requests presented in this case:
- 2       **September 22, 2016**       Defendant’s Partial Motion for Summary Judgment (15 pages)
- 3       **October 13, 2016**       Plaintiff’s Combined Cross-Motion for Partial Summary
- 4                                    Judgment/Opposition to Defendant’s Motion (25 pages)
- 5       **November 3, 2016**       Defendant’s Combined Opposition to Plaintiff’s Motion/Reply
- 6                                    (30 pages)
- 7       **November 17, 2016**     Plaintiff’s Reply (20 pages)

8       5.       In light of the parties’ stipulation, the parties respectfully request that the Court enter  
9 the Proposed Order below setting forth this briefing schedule and these page limits.

10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1 September 28, 2016

Respectfully submitted,

2 By  /s/ Aaron Mackey  
3 Aaron Mackey

4 ELECTRONIC FRONTIER FOUNDATION  
5 815 Eddy Street  
6 San Francisco, CA 94109

*Attorneys for Plaintiff*

7 September 28, 2016

Respectfully submitted,

8 BENJAMIN C. MIZER  
9 Principal Deputy Assistant Attorney General

10 BRIAN STRETCH  
11 United States Attorney

12 ELIZABETH J. SHAPIRO  
13 Deputy Branch Director

14 By  /s/ Rodney Patton  
15 RODNEY PATTON

16 Senior Counsel  
17 JULIA A. BERMAN  
18 Trial Attorney  
19 United States Department of Justice  
20 Civil Division, Federal Programs Branch  
21 20 Massachusetts Avenue, N.W.  
22 Washington, D.C. 20001

*Attorneys for Defendant*

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

24 Pursuant to Civil L.R. 5-1(i)(3), I, Rodney Patton, declare that I obtained the concurrence of  
25 Aaron Mackey, counsel for Plaintiff Electronic Frontier Foundation, in the filing of this document.

26 I declare under penalty of perjury under the laws of the United States that the foregoing is  
27 true and correct. Executed this 28th day of September, 2016 in Washington, D.C.  
28

1  
2 DATED: September 28, 2016

Respectfully submitted,

3  
4 By /s/Rodney Patton  
RODNEY PATTON

5  
6 **[PROPOSED] ORDER**

7 PURSUANT TO STIPULATION, IT IS ORDERED, that the parties' briefing schedule and  
8 page limits for their cross-motions for partial summary judgment are as follows:

9 **September 22, 2016** Defendant's Partial Motion for Summary Judgment (15 pages)

10 **October 13, 2016** Plaintiff's Combined Cross-Motion for Partial Summary  
11 Judgment/Opposition to Defendant's Motion (25 pages)

12 **November 3, 2016** Defendant's Combined Opposition to Plaintiff's Motion/Reply  
13 (30 pages)

14 **November 17, 2016** Plaintiff's Reply (20 pages)

15 AND IT IS SO ORDERED.

16  
17 DATED: \_\_\_\_\_ September 29, 2016

18  
19   
20 HAYWOOD S. GILLIAM, JR.  
21 U.S. District Judge  
22  
23  
24  
25  
26  
27  
28