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14 *Attorneys for Defendants*

15 **UNITED STATES DISTRICT COURT FOR THE**
 16 **NORTHERN DISTRICT OF CALIFORNIA**

17
 18 REGENTS OF UNIVERSITY OF
 CALIFORNIA and JANET NAPOLITANO, in
 19 her official capacity as President of the
 University of California,

20 Plaintiffs,

21 v.

22
 23 UNITED STATES DEPARTMENT OF
 HOMELAND SECURITY and ELAINE
 24 DUKE, in her official capacity as Acting
 Secretary of the Department of Homeland
 Security,

25 Defendants.
 26
 27
 28

No. 3:17-cv-05211-WHA
 No. 3:17-cv-05235-WHA
 No. 3:17-cv-05329-WHA
 No. 3:17-cv-05380-WHA
 No. 3:17-cv-05813-WHA

**STIPULATION RE: BRIEFING
 SCHEDULE RE: DEFENDANTS'
 MOTION TO STAY ALL PROCEEDINGS
 PENDING RESOLUTION OF PETITION
 FOR WRIT OF MANDAMUS**

All DACA Cases (Nos. 17-5211, 17-5235, 17-5329, 17-5380, 17-5813)
 STIPULATION RE: BRIEFING SCHEDULE RE: MOTION FOR STAY RE: MANDAMUS

1 **STIPULATION REGARDING BRIEFING SCHEDULE**

2 The parties agree, subject to the Court’s approval, to modify the briefing schedule for
3 Defendants’ Motion to Stay All Proceedings Pending Resolution of Petition for Writ of
4 Mandamus. In support thereof, the parties state as follows:

- 5 1. The United States intends to file a petition for a writ of mandamus in the United
6 States Court of Appeals for the Ninth Circuit requesting that the Court of Appeals
7 direct this Court to vacate its Order issued on October 17, 2017, ECF No. 79, and to
8 stay discovery and further proceedings concerning the composition of the
9 administrative record pending a ruling on Defendants’ forthcoming motion to
10 dismiss. Defendants will apply for a writ of mandamus no later than Friday, October
11 20, 2017.¹
- 12 2. On October 18, 2017, Defendants filed a motion to stay all proceedings in the related
13 DACA cases pending resolution of their forthcoming petition for a writ of mandamus.
- 14 3. In order to expedite the briefing schedule on Defendants’ motion to stay, the parties
15 have agreed to the following schedule:
- 16 a. Defendants’ motion and any supporting papers shall be filed by 9:00 p.m. on
17 October 18, 2017;
- 18 b. Plaintiffs agree to file their opposition and any supporting papers by 5:00 p.m.
19 on October 19, 2017; and
- 20 c. The parties have agreed to forego a hearing on Defendants’ motion to stay. If,
21 however, the Court wishes to hold a hearing, it will be noticed for Friday,
22 October 20, at 2:00 p.m., or as soon thereafter as counsel may be heard.²
- 23
24

25 _____
26 ¹ All dates and times in this Stipulation refer to the local time for this Court (Pacific Daylight Time).

27 ² If the Court schedules a hearing, undersigned counsel for the Defendants requests that it take
28 place no sooner than 2:00 p.m. on Friday, October 20, in order to allow counsel, who is based in Washington, DC, to make appropriate travel arrangements. Alternatively, undersigned counsel for defendants requests the ability to appear telephonically.

1 4. Undersigned counsel for plaintiff State of California has conferred with other
2 plaintiffs' counsel in the related DACA cases, who have authorized him to file this
3 stipulation on behalf of all plaintiffs.

4 IT IS SO STIPULATED THIS 18TH DAY OF OCTOBER, 2017

5 XAVIER BECERRA
6 Attorney General of California

7 */s/ James F. Zahradka II*
8 JAMES F. ZAHRADKA II
9 Deputy Attorney General
10 *Attorneys for Plaintiff State of California*

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15 BRETT A. SHUMATE
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Attorneys for Defendants

IT IS SO ORDERED THAT THE FOLLOWING BRIEFING SCHEDULE IS ADOPTED:

For Defendants' Motion to Stay All Proceedings Pending Resolution of Petition for Writ
of Mandamus, the following briefing schedule is adopted:

All DACA Cases (Nos. 17-5211, 17-5235, 17-5329, 17-5380, 17-5813)
STIPULATION RE: BRIEFING SCHEDULE RE: MOTION FOR STAY RE: MANDAMUS

- 1 a. Defendants' motion and any supporting papers shall be filed by 9:00 p.m. on
2 October 18, 2017; and
3 b. Plaintiffs' opposition and any supporting papers shall be filed by 5:00 p.m. on
4 October 19, 2017.

5 The Court will decide the motion on the parties' written submissions.

6 
7 _____
8 WILLIAM ALSUP
9 UNITED STATES DISTRICT JUDGE

10 _____
11 October 19, 2017.
12 DATE