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 9 *Counsel for Defendants*

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 12 **IN THE UNITED STATES DISTRICT COURT**  
 13 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

14 \_\_\_\_\_ )  
 15 JIAHAO KUANG and DERON COOKE, )  
 on behalf of themselves and those similarly )  
 16 situated, )  
 17 Plaintiffs, )  
 18 v. )  
 19 UNITED STATES DEPARTMENT OF )  
 20 DEFENSE and JAMES MATTIS, in his official )  
 capacity as Secretary of Defense, )  
 21 Defendants. )  
 22 \_\_\_\_\_ )  
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Case No. 3:18-cv-03698-JST

**STIPULATED REQUEST FOR  
 EXTENSION OF TIME, *NUNC  
 PRO TUNC*, TO RESPOND TO  
 PLAINTIFFS' MOTION FOR  
 CLASS CERTIFICATION**

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 28 *Kuang, et al. v. U.S. Dep't of Defense, et al.*, Case No. 3:18-cv-03698-JST  
 Stipulated Request for Extension of Time, *Nunc Pro Tunc*, to Respond to Plaintiffs'  
 Motion for Class Certification

1 Pursuant to Local Rulse 6.2 and 7-12, Defendants, the United States Department of  
2 Defense and Defense Secretary James Mattis, in his official capacity, and Plaintiffs, Jiahao  
3 Kuang and Deron Cooke, hereby file this stipulated request for a one-day extension of time *nunc*  
4 *pro tunc* to file a response to Plaintiffs' Motion for Class Certification. The grounds for this  
5 stipulation are as follows:

6 1. On August 1, 2018, Plaintiffs filed a Notice and Motion for Class Certification  
7 and Appointment of Class Counsel. *See* ECF No. 31. Under the Local Rule 7-3(a), Defendants'  
8 response to this motion was due on August 15, 2018.

9 2. Prior to August 15, 2018, counsel for Defendants informed counsel for Plaintiffs  
10 that Defendants intended to file a notice of non-opposition to Plaintiffs' motion with a  
11 modification to the class definition proposed by Plaintiffs. By email correspondence, the parties  
12 agreed on a revised class definition by 7:30 p.m. Eastern Standard Time on August 15, 2018.

13 3. Due to unexpected technical difficulties, undersigned counsel was not able to  
14 access his Department of Justice work account shortly after the parties agreed on the revised  
15 definition of the class. Counsel was not able to regain access to his work account until the  
16 morning of August 16, 2018.

17 4. Defendants accordingly request a one-day extension of time, *nunc pro tunc*, to file  
18 their response to Plaintiffs' Motion for Class Certification, which is attached to this stipulation.  
19 Counsel for Defendants conferred with counsel for Plaintiffs, who consent to Defendants'  
20 request.

21 5. This extension of time would not affect any other deadlines in this case.

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24 Dated: August 16, 2018

Respectfully submitted,

25 CHAD A. READLER  
26 Acting Assistant Attorney General

27 ALEX G. TSE  
28 Acting United States Attorney

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1 ANTHONY J. COPPOLINO  
2 Deputy Branch Director

3 /s/ Nathan M. Swinton  
4 NATHAN M. SWINTON, NY Bar  
5 Senior Trial Counsel  
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15 *Counsel for Defendants*

16 Dated: August 16, 2018

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*Attorneys for Plaintiffs  
Jiahao Kuang and Deron Cooke*

**ATTORNEY ATTESTATION**

Pursuant to Civil Local Rule 5-1(i)(3), I, Nathan M. Swinton, hereby attest that concurrence in the filing of this document has been obtained from any signatories indicated by a “conformed” signature (/s/) within this e-filed document. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: August 16, 2018

By: /s/ Nathan M. Swinton

**PROPOSED ORDER APPROVING STIPULATION**

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: August 20, 2018

  
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Honorable Jon S. Tigar  
United States District Judge

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