

1 LATHAM & WATKINS LLP
 Peter A. Wald (Bar No. 85705)
 2 peter.wald@lw.com
 505 Montgomery Street, Suite 2000
 3 San Francisco, CA 94111
 Tel.: (415) 391-0600 / Fax: (415) 395-8095
 4 Colleen C. Smith (Bar No. 231216)
 colleen.smith@lw.com
 5 12670 High Bluff Drive
 San Diego, CA 92130
 6 Tel.: (858) 523-5400 / Fax: (858) 523-5450
 Caitlin E. Dahl (Bar No. 6312614)
 7 caitlin.dahl@lw.com
 330 N. Wabash Ave, Suite 2800
 8 Chicago, IL 60611
 Tel.: (312) 876-7700 / Fax: (312) 993-9767
 9

10 ACLU FOUNDATION OF SOUTHERN CALIFORNIA
 Jennifer Pasquarella (Bar No. 263241)
 jpasquarella@aclusocal.org
 11 Michael Kaufman (Bar No. 254575)
 mkaufman@aclusocal.org
 12 Sameer Ahmed (Bar No. 319609)
 sahmed@aclusocal.org
 13 1313 West 8th Street
 Los Angeles, CA 90017
 14 Tel.: (213) 977-5232 / Fax: (213) 977-5297

15 Attorneys for Plaintiffs
 16 Jiahao Kuang and Deron Cooke

17 (Additional Counsel on Signature Page)

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

20 JIAHAO KUANG AND DERON COOKE
 on behalf of themselves and those similarly
 21 situated,
 Plaintiffs,
 22 v.

23 UNITED STATES DEPARTMENT OF
 DEFENSE, JAMES MATTIS, in his official
 24 capacity as Secretary of Defense of the United
 States Department of Defense,
 25 Defendants.
 26

CASE NO. 3:18-CV-03698-JST

**JOINT STIPULATION AND [PROPOSED]
 ORDER ON PRODUCTION DEADLINE,
 BRIEFING SCHEDULE, AND [PROPOSED]
 HEARING DATE**

1 Pursuant to the Minute Entry for Proceedings dated October 15, 2018 (ECF No. 54), the
2 undersigned parties hereby stipulate, and request that the Court enter an order requiring the
3 production of the administrative record by Friday, October 19; requiring Plaintiffs Jiahao Kuang
4 and Deron Cooke (together, “Plaintiffs”) to submit a supplemental brief not to exceed five (5)
5 pages by Friday, October 26; requiring Defendants Department of Defense and James Mattis
6 (together, “Defendants”) to submit a response to Plaintiffs’ supplemental brief not to exceed five
7 (5) pages by Friday, November 2; and that sets a hearing date, should the Court deem one
8 necessary, of Thursday, November 8.

9 **STIPULATION**

10 WHEREAS, on October 2, Plaintiffs and Defendants jointly filed a Joint Statement
11 Regarding Discovery (the “Joint Statement”) (ECF No. 44). In the Joint Statement, Plaintiffs
12 moved (1) to compel production of the administrative record; and (2) to strike the declaration of
13 Roger A. Smith (the “Smith Declaration”) (ECF No. 42-1) that Defendants submitted in support
14 of their response to Plaintiffs’ motion for a preliminary injunction (ECF No. 21).

15 WHEREAS, on October 15, the Court ordered the production of the administrative record
16 and deferred ruling on the motion to strike the Smith Declaration. See Minute Entry for
17 Proceedings (ECF No. 54). The Court further ordered the parties to meet and confer
18 immediately regarding a deadline for production of the administrative record, a briefing schedule
19 for any supplemental briefing in light of the production of the administrative record, and a
20 proposed hearing date on the supplemental briefing, should the Court deem one necessary. See
21 id.

22 WHEREAS, on October 15 and October 16, counsel for the parties met and conferred on
23 the production of the administrative record, a briefing schedule, and a proposed hearing date.

24 WHEREAS, pursuant to those meet-and-confer discussions, Defendants agreed to
25 produce the administrative record no later than Friday, October 19.

26 WHEREAS, Plaintiffs agreed to file a supplemental brief, which is not to exceed five (5)
27 pages, no later than Friday, October 26.

28

1 WHEREAS, Defendants agreed to file a response to Plaintiffs' supplemental brief, which
2 is not to exceed five (5) pages, no later than Friday, November 2.

3 WHEREAS, to the extent one is necessary, the parties propose a hearing date of
4 Thursday, November 8, which would combine a hearing on outstanding issues related to the
5 Joint Statement with the motion hearing already set in this case. See Stipulation and Order (ECF
6 No. 36 (setting motions hearing on Defendants' motion to dismiss and Plaintiffs' motion for a
7 preliminary injunction for Thursday, November 8, at 2:00 p.m.).

8 THEREFORE, IT IS HEREBY STIPULATED AND AGREED that, subject to Court
9 approval:

- 10 1. The deadline for Defendants to produce the administrative record in this case is
11 Friday, October 19.
- 12 2. The deadline for Plaintiffs to file a supplemental brief not to exceed five (5) pages
13 is Friday, October 26.
- 14 3. The deadline for Defendants to file a response to Plaintiffs' supplemental brief not
15 to exceed five (5) pages is Friday, November 2.
- 16 4. If necessary, the Court will hold a hearing to discuss the issues raised in the
17 supplemental briefings on Thursday, November 8.

18 This stipulation does not alter the date of any other event or deadline already fixed by
19 Court order nor extend time frames set in the Local Rules or Federal Rules.

20 Dated: October 16, 2018

21 LATHAM & WATKINS LLP

22
23 By: /s/ Peter A. Wald
Peter A. Wald (Bar No. 85705)
peter.wald@lw.com
505 Montgomery Street, Suite 2000
San Francisco, CA 94111
Tel.: (415) 391-0600 / Fax: (415) 395-8095
24 Colleen C. Smith (Bar No. 231216)
colleen.smith@lw.com
12670 High Bluff Drive
25 San Diego, CA 92130
Tel.: (858) 523-5400 / Fax: (858) 523-5450
26 Caitlin E. Dahl (Bar No. 6312614)
27
28

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

caitlin.dahl@lw.com
330 N. Wabash Ave, Suite 2800
Chicago, IL 60611
Tel.: (312) 876-7700 / Fax: (312) 993-9767

ACLU FOUNDATION OF SOUTHERN CALIFORNIA

Jennifer Pasquarella (Bar No. 263241)
jpasquarella@aclusocal.org
Michael Kaufman (Bar No. 254575)
mkaufman@aclusocal.org
Sameer Ahmed (Bar No. 319609)
sahmed@aclusocal.org
1313 West 8th Street
Los Angeles, CA 90017
Tel.: (213) 977-5232 / Fax: (213) 977-5297

ACLU FOUNDATION OF NORTHERN CALIFORNIA

Christine P. Sun (Bar No. 218701)
csun@aclunc.org
39 Drumm Street
San Francisco, CA 94111
Tel.: (415) 621-2493 / Fax: (415) 255-1487

Attorneys for Plaintiffs
Jiahao Kuang and Deron Cooke

Dated: October 16, 2018

JOSEPH H. HUNT
Assistant Attorney General

ALEX G. TSE
United States Attorney

ANTHONY J. COPPOLINO
Deputy Branch Director

/s/ Stuart J. Robinson
STUART J. ROBINSON, CA Bar No. 267183
Trial Attorney
United States Department of Justice
Civil Division, Federal Programs Branch
450 Golden Gate Ave.
San Francisco, CA 94102
Tel.: (415) 436-6635 / Fax: (415) 436-6632
Email: stuart.j.robinson@usdoj.gov

Counsel for Defendants

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

ATTORNEY ATTESTATION

Pursuant to Civil Local Rule 5-1(i)(3), I, Peter A. Wald, 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: October 16, 2018

LATHAM & WATKINS LLP

By: /s/ Peter A. Wald
Peter A. Wald

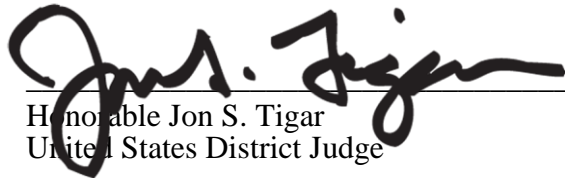
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

[PROPOSED] ORDER APPROVING STIPULATION

PURSUANT TO STIPULATION, IT IS SO ORDERED, EXCEPT AS FOLLOWS:

The Court hereby continues the hearings currently set for November 8, 2018 until
November 15, 2018 at 9:30 a.m.

Dated: October 17, 2018



Honorable Jon S. Tigar
United States District Judge