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*Attorneys for Plaintiffs Asian Law Caucus and
Electronic Frontier Foundation*

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

| | | |
|----------------------------------|---|------------------------------------|
| ASIAN LAW CAUCUS et al., |) | Civil Action No. 08-cv-00842 CW |
| |) | |
| Plaintiffs, |) | THIRD JOINT STIPULATION AND |
| |) | ORDER |
| v. |) | |
| |) | |
| DEPARTMENT OF HOMELAND SECURITY, |) | |
| |) | |
| Defendant. |) | |
| |) | |
| |) | |
| |) | |
| |) | |

1 Pursuant to Civil Local Rule 6-2, Plaintiffs Asian Law Caucus and Electronic Frontier
2 Foundation and Defendant Department of Homeland Security, by counsel, hereby agree and
3 stipulate as follows:

4 1. By order dated September 18, 2008, the Court granted the parties' joint request to
5 extend the briefing schedule in this case to permit the parties to negotiate the scope of Plaintiffs'
6 challenge to Defendant's withholding of certain agency records pursuant to the Freedom of
7 Information Act, 5 U.S.C. § 552(b) (Dkt. No. 18).

8 2. Under the current briefing schedule, Defendant must file its reply in support of its
9 motion for summary judgment and opposition to Plaintiffs' cross motion for summary judgment no
10 later than November 3, 2008, and Plaintiffs must file their reply in support of their cross motion for
11 summary judgment no later than November 10, 2008.

12 3. Counsel for plaintiff Asian Law Caucus will be performing voter protection activities
13 in Ohio during the upcoming election on November 4, 2008, and traveling back to San Francisco
14 on November 5, 2008. These commitments will make it difficult for the plaintiffs to prepare their
15 memorandum in support of their motion for summary judgment and supporting materials by
16 November 10, 2008, as currently scheduled.

17 4. In order to allow the plaintiffs sufficient time to prepare their reply in support of their
18 cross motion for summary judgment following the election, the parties respectfully request that the
19 Court modify the briefing schedule as follows: Defendant will file its reply in support of its motion
20 for summary judgment and opposition to Plaintiffs' cross motion for summary judgment no later
21 than November 5, 2008, and Plaintiffs will file their reply in support of their cross motion for
22 summary judgment no later than November 12, 2008.

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1 5. There have been two previous modifications to the schedule in this case

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3 Respectfully submitted,

Date: October 30, 2008

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ELIZABETH J. SHAPIRO
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18 /s/ John R. Coleman

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DEPARTMENT OF HOMELAND SECURITY

GENERAL ORDER NO. 45(X) CERTIFICATION

I attest that I have obtained John R. Coleman's concurrence in the filing of this document.

/s/ Marcia Hofmann

Marcia Hofmann

* * *

PURSUANT TO STIPULATION, IT IS SO ORDERED.

25 Dated: 11/3/08



Hon. Claudia Wilken
United States District Judge

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