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9 UNITED STATES DISTRICT COURT
 10 NORTHERN DISTRICT OF CALIFORNIA
 11 SAN FRANCISCO DIVISION

12 AMERICAN CIVIL LIBERTIES UNION OF)
 NORTHERN CALIFORNIA and)
 13 LAWYERS COMMITTEE FOR CIVIL RIGHTS)
 OF THE SAN FRANCISCO BAY AREA,)
 14 Plaintiff,)
 15 v.)
 16 DEPARTMENT OF HOMELAND)
 SECURITY,)
 17)
 18 Defendant.)
 19)

PJH 08-2744
 AMENDED
**STIPULATED REQUEST FOR AN
 ORDER ENLARGING THE TIME FOR
 DEFENDANT TO MOVE FOR
 SUMMARY JUDGMENT**

20
 21 Pursuant to Civil L.R. 6-2, the parties, through undersigned counsel, hereby stipulate to an
 22 enlargement of time, up to and including Friday, March 20, 2009, for Defendant to move for
 23 summary judgment.¹ Counsel for Plaintiff has stipulated to this extension request. As grounds for
 24 this stipulation, Defendant states as follows:

25 1. On September 19, 2008, the parties participated in a joint case management
 26 conference in which, inter alia, the Court ordered the parties to continue their attempts to settle this
 27 matter, if possible.

28 ¹ Defendant's summary judgment motion is currently due on December 15, 2008.

1 2. After the joint case management conference, counsel for the parties met and attempted to
2 narrow the scope of this dispute.

3 3. Pursuant to those discussions, the parties stipulated to an extension of time to allow
4 Defendant the opportunity to broaden the parameters of one of its searches in an attempt to locate
5 information responsive to plaintiffs' FOIA request. Additionally, Defendant also engaged in an
6 internal review of responsive documents to make determinations regarding segregable material.

7 4. Defendant has completed its internal review, and after internal Agency discussion and
8 consultation with plaintiff's counsel, on December 9, 2008, the Agency determined that it could
9 release, in part, 691 pages of documents responsive to plaintiff's March 6, 2007 FOIA request.

10 5. This supplemental production of documents will be produced to plaintiff on December 15,
11 2008.

12 6. Additionally, pursuant to the broadened search parameters, Defendant has uncovered
13 approximately 980 pages of additional documents responsive to plaintiff's request. The documents
14 will be released in part after agency processing.

15 7. Given the voluminous number of documents to be processed and the press of business with
16 Defendant's other FOIA cases, Defendant estimates that it will need until approximately February 13,
17 2009 to redact the documents that have been located, and will provide the documents to plaintiff at
18 that time.

19 8. The parties stipulate and request that Plaintiff be granted two weeks thereafter to review
20 the documents to make a determination as to whether further litigation in this matter is warranted.
21 The parties stipulate that Plaintiffs will inform Defendant of their position by February 27, 2009.

22 9. The parties further stipulate and request that, if the parties are unable to amicably settle the
23 instant action, Defendant's summary judgment motion would be due three weeks thereafter, on
24 March 20, 2009. Defendant's counsel notes that he will be out of the office during the week of
25 March 9, 2008.

26 6. This stipulation is supported by the Declaration of Catrina Pavlik-Keenan, ICE FOIA
27 Officer, filed herewith. Defendant has sought a previous extension of time in this case.

1 7. As additional time for the Agency to process any responsive material may result in the
2 settlement of this matter without the need for further litigation, Plaintiff is not prejudiced by this
3 extension request. In fact, Plaintiff has stipulated to this request.

4 8. An extension of the due date for Defendant's motion for summary judgment would require
5 the current briefing schedule to be altered. The parties propose the following modified schedule:

- 6 ➤ Defendant's Motion for Summary Judgment – due on Friday, March 20, 2009
- 7 ➤ Plaintiff's Opposition/Cross-Motion – due on Friday, April 17, 2009
- 8 ➤ Defendant's Reply/Opposition – due on Friday, May 1, 2009
- 9 ➤ Plaintiff's Reply – due on Friday, May 8, 2009
- 10 ➤ Summary Judgment Hearing – ~~Tuesday, June 16, 2009~~ Wednesday, June 17, 2009

11 For the reasons set forth above, and in the Declaration of Catrina Pavlik-Keenan, ICE FOIA
12 Officer, the parties hereby move for an order granting Defendant until Friday, March 20, 2008, to
13 move for summary judgment and further adjusting the briefing schedule as agreed to by the parties.

14
15 Dated: December 12, 2008

16
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ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED

DATED: December 16, 2008

Honorable Phyllis

Judge Phyllis J. Hamilton

Stipulated Request For Order Changing Time of Due Date of Def's Summ. Judg. Mot. 08-2744 (PH)

