- 2. Based on the Plaintiff's desire for additional time to review the supplemental production and assess the need for further litigation, on February 26, 2009, Plaintiff filed a stipulation requesting additional time for Defendant to move for summary judgment.
- 3. On March 17, 2009, in a "meet-and-confer" letter, Plaintiff's counsel indicated that Plaintiff had completed their review of Defendant's supplemental production and requested that Defendant conduct a second supplemental search and production of documents.
- 4. Defendant has considered Plaintiff's request and after telephonic consultation by counsel for the parties, the parties are entering into settlement discussions.
- 5. In order to continue and complete settlement negotiations, the parties seek an enlargement of 30 days for Defendant to begin the opening round of summary judgment briefing. Defendant's summary judgment brief is currently due on April 24, 2009; the parties stipulate and request that Defendant summary judgment be due on May 26, 2009.
 - 6. This stipulation is supported by the Declaration of Isaac Campbell, filed herewith.
- 7. An extension of the due date for Defendant's motion for summary judgment would require the current briefing schedule to be altered. The parties propose the following modified schedule:
 - Defendant's Motion for Summary Judgment due on Tuesday, May 26, 2009
 - Plaintiff's Opposition/Cross-Motion due on Tuesday, June 16, 2009
 - **⊃** Defendant's Reply/Opposition due on Tuesday, June 30, 2009
 - Plaintiff's Reply due on Tuesday, July 7, 2009
 - Summary Judgment Hearing Wednesday, August 12, 2009

For the reasons set forth above, and in the Declaration of Isaac R. Campbell, the parties hereby move for an order granting Defendant until Friday, May 26, 2009, to move for summary judgment and further adjusting the briefing schedule as agreed to by the parties.

Dated: April 20, 2009

/s/ Isaac R. Campbell /s/ Rocky Tsai

JOHN R. TYLER KATHLEEN D. PATTERSON (CA SBN 124768)

ISAAC R. CAMPBELL
United States Department of Justice
Civil Division, Federal Programs Branch
ROCKY TSAI (CA SBN 221452)
RUTH KWON (CA SBN 232569)
MARIKO MIKI (CA SBN 244920)

4/20/09 Stip. Req. For Order Changing Time of Due Date of Def's Summ. Judg. Mot. 08-2744 (PJH)

1 20 Massachusetts Avenue, NW, Rm ERIN REDING (CA SBN 252691) 6130 MICHELLE LEUNG (CA SBN 252937) 2 Washington, DC 20530 ORRICK, HERRINGTON & SUTCLIFFE LLP Tel: (202) 616-8476 The Orrick Building 3 Fax: (202) 616-8460 405 Howard Street San Francisco, CA 94105-2669 4 Tel: (415) 773-5700 Fax: (415) 773-5759 5 Attorneys for Defendants Attorneys for Plaintiff 6 **ORDER** 7 PURSUANT TO STIPULATION, IT IS SO ORDERED. 8 9 21 DATED: April 10 Horok IS SO ORDERED 11 12 Judge Phyllis J. Hamilton 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28