

1 Pursuant to Federal Rule of Civil Procedure 6(b)(1) and Civil L. R. 6-2, the parties, by and
2 through undersigned counsel, hereby respectfully move to amend the current pretrial order, Dkt.
3 481 and enlarge the deadline for the final pretrial conference in this case, currently scheduled for
4 July 10, 2013 to July 17, 2013, as well as other deadlines in the Court's Order for Pretrial
5 Preparation, as explained below. In accordance with Civil L.R. 6-2(a), this stipulation is
6 supported by the Declaration of Joshua E. Gardner, counsel for Defendants, filed herewith, and a
7 proposed order below.

8 1. Defendants submit that the Declaration of Joshua E. Gardner establishes good cause
9 for the requested enlargements of time as follows:

- 10 a. On December 4, 2012, Plaintiff filed a motion for partial summary judgment.
- 11 b. On January 4, 2013, Defendants filed what they contend is a fully dispositive
12 cross-motion for summary judgment.
- 13 c. Those motions are fully briefed, and the Court held a hearing on those motions
14 on March 14, 2013.
- 15 d. The parties' summary judgment motions raise a number of issues under the
16 Administrative Procedure Act and the United States Constitution, and the
17 Court's resolution of the parties' cross-motions may greatly streamline, if not
18 completely eliminate, the need for a trial.
- 19 e. Given the breadth of issues raised in the parties' cross-motions, however,
20 Defendants believe that it would be more efficient to prepare for trial after the
21 Court has resolved those outstanding summary judgment motions. For
22 example, the issues remaining after the Court's resolution of summary
23 judgment likely will inform the parties' decisions on which exhibits, witnesses,
24 and deposition designations, if any, that they identify, and likely will greatly
25 inform the need, if any, for pretrial motions *in limine*.
- 26 f. Counsel for Defendants contacted counsel for Plaintiffs on May 2, 2013 to
27 inquire if they would agree to enlarge certain of the pretrial dates, including
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1 moving the final pretrial conference to July 17, 2013, and counsel for Plaintiffs
2 indicated that they consented but would not agree to move the trial date.

3 2. Currently, pursuant to the Order for Pretrial Preparation, the parties must exchange
4 copies of all exhibits, serve briefs on all significant disputed issues of law, including
5 procedural and evidentiary issues, and identify all deposition designations,
6 interrogatory responses, and responses to requests for admissions by June 12, 2013.
7 Because summary judgment is still pending, the parties believe that moving these
8 submissions to June 27, 2013 would provide them with time necessary to efficiently
9 prepare these documents, as it would allow the parties to tailor the documents to the
10 claims remaining in this case, if any, after the Court resolves the outstanding summary
11 judgment motions.

12 3. In addition, the meeting of counsel contemplated by the Order for Pretrial Preparation
13 is currently scheduled for June 19, 2013. The parties request moving the meeting of
14 counsel to July 3, 2013. This will give the parties time to meaningfully review the
15 materials exchanged on June 27, 2013, and should lead to a more productive meeting
16 of counsel. The parties further request moving the filing of the documents
17 contemplated in the Order for Pretrial Preparation, paragraph 3, from June 26, 2013 to
18 July 8, 2013, and moving the final pretrial conference from July 10, 2013 to July 17,
19 2013. The parties do not seek to move the current schedule for the trial.¹

20 4. Accordingly, for all of these reasons, Defendants respectfully request that the Court
21 amend the pretrial scheduling order the pretrial deadlines as follows:

Event	Current Deadline	Proposed Deadline
Exchange of papers described in Order for Pretrial Preparation ¶ 1, with the exception that hard copies of exhibits	June 12, 2013	June 26, 2013

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27 ¹ To the extent the Court desires to move the trial date, however, Defendants do not object
28 to moving the trial date. Plaintiffs strongly oppose moving the trial date.

1	need not be exchanged.		
2	Meeting of counsel pursuant to Order	June 19, 2013	July 3, 2013
3	for Pretrial Preparation ¶ 2.		
4	Filing of papers described in Order for	June 26, 2013	July 8, 2013
5	Pretrial Preparation ¶ 3.		
6	Final pretrial conference.	July 10, 2013	July 17, 2013
7	Trial to begin (currently scheduled for	July 29, 2013	July 29, 2013
8	20 days).		

9 * * * *

10 The parties respectfully request that the Court enlarge the time for certain of the pretrial
11 dates in the manner described above.

12 Dated: May 3, 2013

Respectfully submitted,

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18 Attorneys for Plaintiffs

27 Attorneys for Defendants

1 PURSUANT TO STIPULATION, IT IS SO ORDERED, except that the pretrial will
be held on Thursday, July 18, 2013, at 2:00 p.m.

2 Dated: 5/8/2013 _____



CLAUDIA WILKEN
United States District Judge

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GENERAL ORDER 45 ATTESTATION

I, Joshua E. Gardner, am the ECF User filing this Stipulated Administrative Motion to Remove Incorrectly Filed Document from Docket. In compliance with General Order 45, X.B., I hereby attest that Eugene Illovsy has concurred in this filing.

Dated: May 3, 2013

/s/ Joshua E. Gardner

Joshua E. Gardner

Attorney for Defendants

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