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13 UNITED STATES DISTRICT COURT  
 14 NORTHERN DISTRICT OF CALIFORNIA  
 OAKLAND DIVISION

15 VIETNAM VETERANS OF AMERICA,	)	
<i>et al.</i> ,	)	Civil Action No. C 09-0037 CW
	)	
Plaintiffs,	)	STIPULATION TO EXTEND TIME TO
	)	RESPOND TO DISCOVERY REQUESTS
	)	AND PRODUCE DOCUMENTS;
vs.	)	AND ORDER
	)	
19 CENTRAL INTELLIGENCE AGENCY,	)	
<i>et al.</i> ,	)	
	)	
Defendants.	)	
	)	

22 Pursuant to Fed. R. Civ. P. 6(b)(1) and Civil L.R. 6-2, the parties, by and through  
 23 undersigned counsel, hereby respectfully move to amend the time for Defendants’ formal written  
 24 responses to Plaintiffs’ First Set of Requests for Production of Documents (the “Requests”) until  
 25 March 4, 2010 and for the production of responsive documents until March 25, 2010. The  
 26 requested enlargement will not have any effect on the present schedule for the case. In  
 27 accordance with Civil L.R. 6-2(a), this motion is supported by the Declaration of Kimberly L.  
 28 Herb, counsel for Defendants, filed herewith and a proposed order below.

STIPULATION TO EXTEND TIME TO RESPOND TO DISCOVERY REQUESTS AND PRODUCE DOCUMENTS  
 C 09-0037 CW

1           1.       Defendants submit that the Declaration of Ms. Herb establishes good cause for the  
2                    requested enlargement as follows:

3           a.       Pursuant to the Court's Order of January 19, 2010, Defendants must provide  
4 formal written responses to the Requests on February 18, 2010 and produce responsive  
5 documents thirty days later, which would be on March 22, 2010 under the Federal Rules of Civil  
6 Procedure.

7           b.       Defendants are in the process of searching for and producing documents in  
8 response to the Plaintiffs' Requests. This process, however, has been significantly delayed over  
9 the past week due to weather conditions in Washington, D.C. Federal government offices in  
10 Washington, D.C. were closed from mid-day Friday, February 5, 2010 through mid-morning  
11 Friday, February 12, 2010, and Edgewood Army Base and Fort Detrick remained closed  
12 throughout Friday, February 12, 2010. Defendants and their counsel are all located in the  
13 Washington, D.C. metropolitan area.

14          c.       The point of contact for discovery requests for the Department of Defense, an  
15 attorney with the U.S. Army, had a death in her family this week. She must travel to Houston,  
16 Texas this week for the funeral, which impedes her ability to work on the written responses.

17          d.       Absent an enlargement of time, Defendants will be substantially prejudiced in  
18 meeting the deadlines because events beyond their control prevented Defendants from engaging  
19 in the processing of searching for documents for a number of critical days.

20          2.       There have been six previous time modifications in this case:

21          a.       On March 24, 2009, the parties stipulated to a continuance of the case  
22 management conference to June 16, 2009, and the deadline for the joint case management  
23 statement to June 9, 2009. On March 31, 2009, the Court entered an Order establishing the dates  
24 to which the parties had stipulated. (Dkt. No. 15.)

25          b.       On May 11, 2009, the parties stipulated to enlarge the period for Defendants'  
26 response to the Complaint in the form of a dispositive motion by thirty-two days—from May 11,  
27 2009 to June 12, 2009—and a corresponding adjustment of the briefing schedule and hearing  
28

1 date. On May 12, 2009, the Court entered an Order establishing the briefing deadlines and  
2 hearing date to which the parties had stipulated. (Dkt. No. 19.)

3 c. On June 4, 2009, Defendants filed a Motion for an Extension of Time to File  
4 Response to Complaint until June 30, 2009 on the ground that Ms. Wolverton had assumed  
5 primary responsibility for the case sixteen days prior to the deadline for submission of a motion  
6 to dismiss. Plaintiffs opposed the extension request. The Court entered an Order granting the  
7 requested extension on June 12, 2009. (Dkt. No. 27.)

8 d. On September 10, 2009, at the behest of counsel for Plaintiffs, the parties  
9 stipulated to an enlargement of the briefing schedule on Defendants' Motion to Dismiss and a  
10 continuance on the initial case management conference. On September 15, 2009, the Court  
11 entered an Order granting the briefing and hearing schedule to which the parties had stipulated.  
12 (Dkt. No. 42.)

13 e. On October 28, 2009, again at the behest of counsel for the Plaintiffs, the parties  
14 stipulated to a continuance of the hearing on Defendants' Motion to Dismiss and the initial case  
15 management conference. On October 29, 2009, the Court entered an Order granting the  
16 continuance of the hearing on Defendants' Motion to Dismiss and the initial case management  
17 conference as the parties had stipulated. (Dkt. No. 50.)

18 f. On January 27, 2010, Defendants filed a Motion to Enlarge Time to File Answer  
19 until April 19, 2010 on the ground that Defendants wanted to review discovery documents that  
20 pertained to the factual allegations in Plaintiffs' Second Amended Complaint. Plaintiffs opposed  
21 the extension request. On February 2, 2010, the Court entered an Order granting in part the  
22 Defendants' Motion to Extend Time, extending the time to file the answer until March 12, 2010.

23 3. The requested enlargement will not have any effect on the present schedule for  
24 the case.

25 \* \* \*

26 In order to allow Defendants sufficient time to prepare their written responses to  
27 Plaintiffs' Requests and produce responsive documents, the parties hereby respectfully request  
28 that the Court enlarge the deadlines to March 4, 2010 and March 25, 2010 respectively.

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Dated: February 18, 2010

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Respectfully submitted,

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Attorneys for Defendants

**ORDER**

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 2/23/10

  
CLAUDIA WILKEN  
United States District Judge