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

16 VIETNAM VETERANS OF AMERICA, *et al.*,  
17 Plaintiffs,  
18  
19 v.  
20 CENTRAL INTELLIGENCE AGENCY, *et al.*,  
21 Defendants.  
22

Case No. CV 09-0037-CW

**STIPULATION TO EXTEND TIME  
TO FILE ANSWER; AND ORDER**

23  
24 Pursuant to Fed. R. Civ. P. 6(b)(1) and Civil L.R. 6-2, the parties, by and through  
25 undersigned counsel, hereby respectfully move to extend the time for Defendants' to file an  
26 answer until March 17, 2010. The requested enlargement will not have any effect on the present  
27 schedule for the case, and will require Defendants to serve an answer in advance of the Settlement  
28

1 Conference scheduled for March 19, 2010. In accordance with Civil L.R. 6-2(a), this motion is  
2 supported by the Declaration of Kimberly L. Herb, counsel for Defendants, filed herewith and a  
3 proposed order below.

4 1. Defendants submit that the Declaration of Kimberly L. Herb establishes good  
5 cause for the requested enlargement as follows:  
6

7 a. Pursuant to the Court's Order of February 2, 2010, Defendants must file their  
8 Answer to Plaintiffs' Second Amended Complaint ("Complaint") on March 12, 2010. (Dkt. No.  
9 64.)

10 b. Defendants are in the process of responding to allegations in the Plaintiffs'  
11 Complaint. Because of the length of the Complaint and the fact that it concerns events that span  
12 more than fifty years, Defendants have spent a significant amount of time responding to the  
13 factual allegations. This, in turn, has delayed the review of the Defendants' responses within  
14 their respective agencies.  
15

16 c. Absent an enlargement of time, Defendants will be substantially prejudiced in  
17 responding to the Complaint because Defendants have not had the opportunity to complete its  
18 necessary review process within the Department of Justice and the Defendant agencies.  
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20 2. There have seven previous modifications in this case.

21 a. On March 24, 2009, the parties stipulated to a continuance of the case management  
22 conference to June 16, 2009, and the deadline for the joint case management statement to June 9,  
23 2009. On March 31, 2009, the Court entered an Order establishing the dates to which the parties  
24 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 to  
6 dismiss. Plaintiffs opposed the extension request. The Court entered an Order granting the  
7 requested extension on June 12, 2009. (Dkt. No. 27.)

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

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

21 f. On January 27, 2010, Defendants filed a Motion to Enlarge Time to File Answer  
22 until April 19, 2010 on the ground that Defendants wanted to review discovery documents that  
23 pertained to the factual allegations in Plaintiffs' Second Amended Complaint. Plaintiffs opposed  
24 the extension request. On February 2, 2010, the Court entered an Order granting in part the  
25 Defendants' Motion to Extend Time, extending the time to file the answer until March 12, 2010.  
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1 g. On February 18, 2010, at the behest of counsel for Defendants, the parties  
2 stipulated to extend Defendants' time to respond to discovery requests and produce documents.  
3 On February 23, 2010, the Court entered an Order granting the parties' stipulation. (Dkt. No. 66.)

4 3. The requested enlargement will not have any effect on the present schedule for the  
5 case, and will require Defendants to serve an answer in advance of the Settlement Conference  
6 scheduled for March 19, 2010.  
7

8 \* \* \*

9 In order to allow Defendants sufficient time to prepare their Answer, the parties hereby  
10 respectfully request that the Court enlarge the time in which to file the answer to March 17, 2010.  
11

12 Dated: March 12, 2010

Respectfully submitted,

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24 Attorneys for Plaintiffs

Attorneys for Defendants

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**ORDER**

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 3/23/2010

A handwritten signature in blue ink, appearing to read 'Claudia Wilken', with a long horizontal flourish extending to the right.

CLAUDIA WILKEN  
United States District Judge

