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11 Attorneys for Plaintiffs

12 **UNITED STATES DISTRICT COURT**

13 **NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION**

14 MICHAEL DRAGOVICH, MICHAEL GAITLEY,  
ELIZABETH LITTERAL, PATRICIA  
15 FITZSIMMONS, CAROLYN LIGHT, and CHERYL  
LIGHT, on behalf of themselves and all others  
16 similarly situated,

17 Plaintiffs,

18 v.

19 UNITED STATES DEPARTMENT OF THE  
TREASURY, TIMOTHY GEITHNER, in his official  
20 capacity as Secretary of the Treasury, United States  
Department of the Treasury, INTERNAL REVENUE  
21 SERVICE, DOUGLAS SHULMAN, in his official  
22 capacity as Commissioner of the Internal Revenue  
Service, BOARD OF ADMINISTRATION OF  
23 CALIFORNIA PUBLIC EMPLOYEES'  
RETIREMENT SYSTEM, and ANNE STAUSBOLL,  
24 in her official capacity as Chief Executive Officer,  
CalPERS,

25 Defendants.

Case No. CV 4:10-01564-CW

**STIPULATION AND ~~PROPOSED~~  
ORDER TO ALTER BRIEFING  
SCHEDULE ON THE FEDERAL  
DEFENDANTS' MOTION TO DISMISS**

Date: June 23, 2011

Time: 2:00 p.m.

Place: Courtroom of the Honorable  
Claudia Wilkin, U.S. District Court,  
Northern District of California, 1301  
Clay Street, Courtroom 2

1           WHEREAS, on May 2, 2011, counsel for the federal defendants (United States  
2 Department of the Treasury, Timothy Geithner, the Internal Revenue Service, and Douglas  
3 Shulman) filed a motion to dismiss Plaintiffs' First Amended Complaint with respect to its  
4 claims on behalf of registered domestic partners under California law, with a hearing on the  
5 motion set for June 23, 2011 (Docket No. 71);

6           WHEREAS, also on May 2, 2011, counsel for the Bilateral Legal Advisory Group filed  
7 a motion to intervene (Docket No. 72);

8           WHEREAS, the federal defendants' motion to dismiss raises important questions of  
9 constitutional law that require study and attention;

10          WHEREAS, on May 3, 2011, the Court ordered expedited briefing on the BLAG's  
11 motion to intervene (Docket No. 73);

12          WHEREAS, on May 10, 2011, consistent with the expedited briefing schedule, counsel  
13 for the plaintiffs opposed the BLAG's motion and counsel for the Federal Defendants  
14 responded to the BLAG's motion (*see* Docket Nos. 75, 77);

15          WHEREAS, the deadline for the plaintiffs' opposition to the federal defendants' motion  
16 to dismiss has been specially set by the Court to be May 16, 2011, and the deadline for the  
17 federal defendants' reply has been specially set to be May 23, 2011 (*see* Order Denying Federal  
18 Defendants' Motion for Stay (March 17, 2011) (Docket No. 69);

19          WHEREAS, the Court's March 17, 2011 Order contemplated that an extension might be  
20 requested by the Federal Defendants (*see* Order, p. 2);

21          WHEREAS, under ordinary briefing rules, plaintiffs' opposition to the federal  
22 defendants' motion to dismiss would be due on June 2, 2011, and defendants' reply would be  
23 due one week later on June 9, 2011 (*see* L.R. 7-3(a));

24          WHEREAS, Elizabeth Kristen and Claudia Center, counsel for the plaintiffs, have been  
25 out of the office (and Ms. Center has been out of the state) attending to other commitments for  
26 many of the days between May 2, 2011 and the present, and require additional time to  
27 effectively respond to the federal defendants' motion;

1 WHEREAS, the counsel for the Federal Defendants seeks more than one week to reply  
2 to plaintiffs' opposition to the motion to dismiss;

3 THEREFORE, Plaintiff Michael Dragovich, *et al.*, the federal defendants and  
4 defendants Board of Administration of California Public Employees' Retirement System and  
5 Anne Stausboll, through their respective counsel, hereby stipulate that, subject to the Court's  
6 approval, the briefing schedule on the federal defendants' motion to dismiss be altered as  
7 follows:

8 Plaintiffs' opposition: Due on May 26, 2011

9 Defendants' reply: Due on June 9, 2011

10 Hearing: June 23, 2011 (unchanged)

11 So stipulated,

12  
13 LEGAL AID SOCIETY -  
EMPLOYMENT LAW CENTER

14  
15 Dated: May 12, 2011

By: 

Claudia Center, Counsel for Plaintiffs

16  
17 STEPTOE & JOHNSON LLP

18  
19 Dated: May \_\_, 2011

By: \_\_\_\_\_

Edward Gregory, Jennifer Morrow, Counsel for  
Defendants CalPERS and Stausboll

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21  
22  
23 U.S. DEPARTMENT OF JUSTICE  
CIVIL DIVISION

24  
25 Dated: May \_\_, 2011

By: 

Jean Lin, Counsel for Federal Defendants

1 WHEREAS, the counsel for the Federal Defendants seeks more than one week to reply  
2 to plaintiffs' opposition to the motion to dismiss;

3 THEREFORE, Plaintiff Michael Dragovich, *et al.*, the federal defendants and  
4 defendants Board of Administration of California Public Employees' Retirement System and  
5 Anne Stausboll, through their respective counsel, hereby stipulate that, subject to the Court's  
6 approval, the briefing schedule on the federal defendants' motion to dismiss be altered as  
7 follows:

8 Plaintiffs' opposition: Due on May 26, 2011

9 Defendants' reply: Due on June 9, 2011

10 Hearing: June 23, 2011 (unchanged)

11 So stipulated,

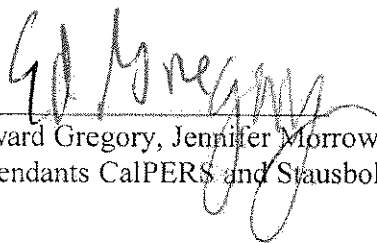
12 LEGAL AID SOCIETY –  
13 EMPLOYMENT LAW CENTER

14  
15 Dated: May \_\_, 2011

16 By: \_\_\_\_\_  
17 Claudia Center, Counsel for Plaintiffs

18 STEPTOE & JOHNSON LLP

19 Dated: May 12, 2011

20 By:  \_\_\_\_\_  
21 Edward Gregory, Jennifer Morrow, Counsel for  
22 Defendants CalPERS and Stausboll

23 U.S. DEPARTMENT OF JUSTICE  
24 CIVIL DIVISION

25 Dated: May \_\_, 2011

26 By: \_\_\_\_\_  
27 Jean Lin, Counsel for Federal Defendants

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ORDER

It is so ordered.

May 12, 2011

\_\_\_\_\_  
Dated



\_\_\_\_\_  
UNITED STATES DISTRICT JUDGE