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13 Attorneys for Federal Defendants

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

18 ASIAN LAW CAUCUS,
 19 Plaintiff,
 20 v.

21 UNITED STATES IMMIGRATION AND
 CUSTOMS ENFORCEMENT; UNITED
 22 STATES DEPARTMENT OF HOMELAND
 SECURITY,
 23

24 Defendants.

) CASE NO. 13-1593 SBA

)
) **STIPULATION TO EXTEND DEADLINES FOR**
) **DISPOSITIVE MOTIONS AND ORDER**

) Hon. Sandra B. Armstrong

25 The parties by and through their counsel of record, hereby stipulate and agree as follows:

- 26 1. On August 30, 2013, the Court set the following briefing schedule for summary judgment in the
 27 above-captioned case:
 28

1 Plaintiff's motion for summary judgment due: December 10, 2013

2 Defendants' consolidated opposition/cross-motion for summary judgment due: January
3 7, 2014

4 Plaintiff's consolidated reply/opposition to defendant's cross-motion for summary
5 judgment due: January 21, 2014

6 Defendants' reply in support of cross-motion for summary judgment due: January 28,
7 2014

8 Hearing on parties' cross-motions for summary judgment: February 25, 2014 at 1:00 p.m.

- 9 2. On November 20, 2013, pursuant to stipulation by the parties in the wake of the federal
10 government shutdown, the Court modified the original briefing schedule and set the following
11 briefing schedule for summary judgment:

12 Plaintiff's motion for summary judgment due: February 18, 2014

13 Defendants' consolidated opposition/cross-motion for summary judgment due: March
14 11, 2014

15 Plaintiff's consolidated reply/opposition to defendant's cross-motion for summary
16 judgment due: March 25, 2014

17 Defendants' reply in support of cross-motion for summary judgment due: April 1, 2014

18 Hearing on parties' cross-motions for summary judgment: May 6, 2014 at 1:00 p.m.

- 19 3. On February 14, 2014, pursuant to stipulation by the parties, the Court modified the briefing
20 schedule and set the following briefing schedule for summary judgment:

21 Plaintiff's motion for summary judgment due: February 25, 2014

22 Defendants' consolidated opposition/cross-motion for summary judgment due: March
23 18, 2014

24 Plaintiff's consolidated reply/opposition to defendant's cross-motion for summary
25 judgment due: April 1, 2014

26 Defendants' reply in support of cross-motion for summary judgment due: April 29, 2014

27 Hearing on parties' cross-motions for summary judgment: May 13, 2014, at 1:00 p.m.

- 28 4. Since the Court's February 14, 2014 order, the parties have made significant progress toward

1 resolving disputed issues, as described in the following paragraphs, *see infra* ¶¶ 5-12.

2 5. Defendant United States Immigration and Customs Enforcement (“ICE”) has agreed to perform
3 the following additional searches for documents responsive to Plaintiff’s FOIA Request, as
4 amended by Plaintiff’s February 22, 2013 communication, a true and correct copy of which
5 appears in the Complaint as Exhibit H:

- 6 • The San Diego, Los Angeles, and San Francisco divisions of the ICE Office of
7 Enforcement and Removal Operations (ERO) (including Field Office Directors (FODs),
8 Assistant Field Office Directors (AFODs), Supervisory Immigration Enforcement Agents
9 and Immigration Enforcement Agents) will search their computer hard drives and
10 Microsoft Outlook files using the following terms: Detainer + Policy; Detainer
11 + Procedure; Secure Communities + Policy; SC + Policy. Within these same ERO
12 divisions, the FODs and AFODs only will additionally search their computer hard drives
13 and Microsoft Outlook files using the following additional terms: TRUST Act; Bill
14 1081; AB 1081; Bill 4; AB 4.
- 15 • The Secure Communities Enforcement Division in ERO headquarters will search their
16 computer hard drives and Microsoft Outlook files using the following search
17 terms: TRUST Act; Bill 1081; AB 1081; Bill 4; AB 4; Detainer + Policy; Detainer
18 + Procedure; Secure Communities + Policy; SC + Policy.
- 19 • The ICE Office of Director (OD) will conduct a search of the computer hard drives and
20 Microsoft Outlook files of the ICE Deputy Director, ICE Director, and ICE Deputy
21 Director’s Deputy Chief of Staff using the following search terms: Detainer + Policy.
- 22 • The Office of State, Local and Tribal Coordination (OSLTC) will search their computer
23 hard drives and Microsoft Outlook files, as well as shared drives, if any, likely to contain
24 responsive documents using the following search terms: TRUST Act; Bill 1081; AB
25 1081; Bill 4; AB 4; Detainer + Policy; Detainer + Procedure; Secure Communities +
26 Policy; SC + Policy.

27 6. ICE further agrees to provide the OD with copies of media articles provided by Plaintiff on
28 February 7, 2014, which may assist the OD’s searches.

- 1 7. ICE anticipates completing the searches described above, *see supra* ¶ 5, by May 30, 2014, and
2 agrees to begin a rolling production of responsive documents produced by these searches by May
3 30, 2014.
- 4 8. ICE agrees not to seek any fees for productions made pursuant to this Stipulation and Order.
- 5 9. The parties agree that the search cut-off date for the purpose of the above-described searches, *see*
6 *supra* ¶ 5, will be April 25, 2013.
- 7 10. The parties agree to negotiate in good faith a final production date and will submit an update to
8 the Court regarding those negotiations at the status conference proposed below, *see infra* ¶ 13.
- 9 11. Plaintiff agrees to forego any challenges to exemptions and withholdings claimed by ICE as of
10 the date of this Stipulation.
- 11 12. Plaintiff agrees that, upon receipt of the final document production resulting from the searches
12 described above, *see supra* ¶ 5, and an affidavit from ICE confirming that it conducted those
13 searches, Plaintiff will agree to limit summary judgment to the exemptions/withholdings claimed
14 in productions made pursuant to this Stipulation and Order (if any) and will forego any
15 challenges to the adequacy of ICE's search in response to Plaintiff's FOIA Request.
- 16 13. Because the stipulations described above, *see supra* ¶¶ 5-12, should significantly narrow the
17 issues remaining in this case, the parties respectfully request that the Court hold in abeyance
18 further briefing in this case, set a status conference for this case on or around June 26, 2014, and
19 extend the dispositive motions schedule to a date to be determined at the status conference.

20
21 IT IS SO STIPULATED.

22 Respectfully submitted,

23 DATED: February 25, 2014

s/Jessica Karp
JESSICA KARP
Attorney for Plaintiff

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27 DATED: February_25, 2014

MELINDA HAAG
United States Attorney

1 s/ Jennifer Wang
2 JENNIFER S WANG
3 Assistant United States Attorney

4 CIVIL LOCAL RULE 5-1(i)(3) DECLARATION

5 I attest that I have obtained Jennifer Wang's concurrence in the filing of this Stipulation and
6 [Proposed] Order to Extend Deadlines for Dispositive Motions.

7 EXECUTED ON: February 25, 2014

8 BY: s/ Jessica Karp

9 Jessica Karp

10 Attorney for Plaintiff

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12 PURSUANT TO STIPULATION, IT IS SO ORDERED. A Telephonic Case Management Conference,
13 previously will be held on June 26, 2014, at 3:00 p.m., in Courtroom 1, 4th Floor, 1301 Clay Street,
14 Oakland, CA 94612. The parties shall **meet and confer** prior to the conference and shall prepare a joint
15 Case Management Conference Statement which shall be filed no later than seven (7) days prior to the
16 Case Management Conference that complies with the Standing Order For All Judges Of The Northern
17 District Of California and the Standing Order of this Court. Plaintiffs shall be responsible for filing the
18 statement as well as for arranging the conference call. All parties shall be on the line and shall call (510)
19 637-3559 at the above indicated date and time.

20
21 DATE: 2/26/2014


22 SAUNDRA BROWN ARMSTRONG
23 United States District Judge
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