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11 **UNITED STATES DISTRICT COURT**
 12 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
 13 **OAKLAND DIVISION**

14	
15	STATE OF CALIFORNIA, <i>et al.</i> ,
16	Plaintiffs,
17	v.
18	DONALD J. TRUMP, <i>et al.</i> ,
19	Defendants.
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22	SIERRA CLUB, <i>et al.</i> ,
23	Plaintiffs,
24	v.
25	DONALD J. TRUMP, <i>et al.</i> ,
26	Defendants.
27	
28	

No. 4:19-cv-00872-HSG
 No. 4:19-cv-00892-HSG

**STIPULATED REQUEST FOR
 ORDER EXTENDING PAGE
 LIMITS FOR PRELIMINARY
 INJUNCTION BRIEFS, STAYING
 DEFENDANTS' RESPONSE
 TO THE AMENDED
 COMPLAINTS, AND STAYING
 INITIAL CASE MANAGEMENT
 ACTIVITY**

1 Pursuant to Local Rule 6-2 and 7-12, the Plaintiffs and Defendants in the above-
2 captioned cases stipulate and agree as follows:

3 1. On April 4 and 8, 2019, Plaintiffs in *Sierra Club* (ECF No. 29) and *California*
4 (ECF No. 59) respectively filed separate motions for preliminary injunctions related to
5 Defendants' alleged diversion of federal funds and resources for construction of barriers along
6 the southern border of the United States. On April 9, 2019, the Court entered orders in both
7 cases establishing a briefing and hearing schedule for the motions. In light of the range of
8 issues to be addressed, the parties agree there is good cause to extend the page limits for the
9 parties' briefs. The parties agree Defendants may file separate opposition briefs in both cases
10 not to exceed 35 pages. The parties further agree that Plaintiffs in *Sierra Club* may file a reply
11 brief not to exceed 25 pages, in light of their shorter opening brief, and Plaintiffs in *California*
12 may file a reply brief not to exceed 20 pages.

13 2. The parties further agree that any amicus briefs shall be filed on or before May 2,
14 2019 and shall not exceed 20 pages in length.

15 3. In accordance with Federal Rule of Civil Procedure 12(a)(2) and 15(a)(3), the
16 Defendants' deadline to respond to the Amended Complaint in *California* (ECF No. 47) is April
17 22, 2019, and May 3, 2019 for the Amended Complaint in *Sierra Club* (ECF No. 26). The
18 parties agree that Defendants' obligation to respond to the Amended Complaints shall be stayed
19 pending a ruling on the motions for preliminary injunction. The parties further agree to file a
20 joint status report to govern further proceedings, including Defendants' response to the
21 Amended Complaints, 14 days after the Court's ruling on the motions for preliminary
22 injunction.

23 5. On February 19, 2019 in *California* (ECF No. 5) and February 20, 2019 in *Sierra*
24 *Club* (ECF No. 5), the Court entered nearly-identical orders establishing initial case
25 management deadlines. Plaintiffs and Defendants agree to stay all initial case management
26 activity and discovery pending the Court's resolution of the motions for preliminary injunction
27 and the parties' submission of the joint status reports to govern further proceedings in the
28 respective actions. The parties further agree the stay includes the deadlines in the Court's initial

1 case management orders to conduct the Rule 26(f) conference by April 30; to file the Rule 26(f)
2 report and case management statement by May 14; and to provide initial disclosures by May 14.
3 The parties reserve their respective rights to seek leave of Court to lift the stay of initial case
4 management activity and discovery as appropriate.

5 6. In light of the stay of initial case management activity and discovery, the parties
6 agree that the case management conference currently scheduled for May 21, 2019, should be
7 vacated.

8 7. On April 8, 2019, Plaintiffs in *California* filed a Motion to Shorten Time to Hear
9 Plaintiffs' Motion for Preliminary Injunction (ECF No. 60), which the Court denied as moot in
10 setting the schedule in the *California* case in its April 9 Order (ECF No. 63). No other previous
11 extensions of time or modifications to the schedule have been requested in these cases.

12 8. Approving this stipulation would not impact any other deadlines in this case.

13 9. Pursuant to Local Rule 6-2(a), undersigned counsel for Defendants has submitted
14 a declaration in support of this stipulation.

15
16 THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the
17 parties, subject to the Court's approval, that:

18 (1) Defendants' oppositions to the motions for preliminary injunction shall not exceed
19 35 pages in length. Plaintiffs in *Sierra Club* may file a reply brief not to exceed 25 pages and
20 Plaintiffs in *California* may file a reply not to exceed 20 pages.

21 (2) Any amicus briefs shall be filed on or before May 2, 2019, and shall not exceed 20
22 pages in length.

23 (3) Defendants' response to the Amended Complaints in the above-captioned cases is
24 stayed pending a ruling on the motions for preliminary injunction. The parties shall file a joint
25 status report to govern further proceedings, including Defendants' response to the Amended
26 Complaint, 14 days after the Court's ruling on the motions for preliminary injunction.

27 (4) All initial case management activity and discovery is stayed pending resolution of
28 the motions for preliminary injunction and the parties' submission of the joint status report to

1 govern further proceedings in the respective actions. The stay includes the deadlines in the
2 Court's initial case management orders to conduct the Rule 26(f) conference by April 30; to file
3 the Rule 26(f) report and case management statement by May 14; and to provide initial
4 disclosures by May 14.

5 (5) The case management conference currently scheduled for May 21, 2019, is vacated.

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7 A proposed order is attached.
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11 DATE: April 10, 2019

Respectfully submitted,

12 JOSEPH H. HUNT
13 Assistant Attorney General

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28 /s/ Dror Ladin

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DECLARATION

I declare, under penalty of perjury, that the factual assertions contained in this stipulation are true and correct to the best of my knowledge.

/s/ Andrew I. Warden
ANDREW I. WARDEN (IN Bar No. 23840-49)