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14 *Sued in their Official Capacities*

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

17 CAROLYN JEWEL, *et al.*,
18 Plaintiffs,
19 v.
20 NATIONAL SECURITY AGENCY, *et al.*,
21 Defendants.

Case No. 3:08-cv-04373-JSW

STIPULATION AND ~~PROPOSED~~
ORDER TO MODIFY BRIEFING
SCHEDULE AND HEARING DATE
ON PLAINTIFFS' MOTION TO
DISSOLVE DISCOVERY STAY
RE: COUNTS 9, 12, & 15
AS MODIFIED HEREIN
Courtroom 5, Second Floor
Judge Jeffrey S. White

24 Pursuant to Fed. R. Civ. P. 6(b)(1) & Civil L.R. 6-2, the Government Defendants request,
25 and the parties, through their undersigned counsel, hereby stipulate to and respectfully request
26 the Court (1) to extend by one week the deadline for the Government Defendants' response to
27 Plaintiffs' Motion To Dissolve the Discovery Stay Re: Counts 9, 12, & 15 (Dkt. No. 334), and
28 (2) to re-schedule the hearing on Plaintiffs' motion from February 5 to February 12, 2016.

1 Plaintiffs filed their motion to lift the discovery stay on January 1, 2016, and noticed a
2 hearing on their motion for February 5, 2016. Pursuant to Civil L.R. 7-3(a), the Government
3 Defendants' response to Plaintiffs' motion is currently due to be filed on January 15, 2016. The
4 Government Defendants seek an extension of that deadline due to multiple pre-existing filing
5 deadlines in other matters, all occurring during the first two weeks of January. The press of
6 business in these other matters has made it impracticable for counsel to prepare the Government
7 Defendants' response to Plaintiffs' motion by January 15. The Government Defendants
8 therefore seek a one-week extension of that deadline to January 22, 2016.¹

9 The Government Defendants also seek an equivalent one-week postponement of the
10 hearing on Plaintiffs' motion, due to the unavailability on February 5 of their lead counsel, James
11 Gilligan. Mr. Gilligan's son, who recently enlisted in the United States Marine Corps, will
12 return home from boot camp for a short leave beginning January 29, 2016, and must report again
13 for duty on February 8. Mr. Gilligan does not wish to be away for a two-day trip to the west
14 coast during his son's brief stay.

15 There have been no prior requests to alter the briefing or hearing schedule on Plaintiffs'
16 motion to lift the discovery stay. The changes requested herein should not impact the overall
17 schedule of this case.

18 Dated: January 13, 2016

19 Respectfully Submitted,

20 BENJAMIN C. MIZER
21 Principal Deputy Assistant Attorney General

22 JOSEPH H. HUNT
23 Director, Federal Programs Branch

24 ANTHONY J. COPPOLINO
25 Deputy Branch Director

26 By: /s/ James J. Gilligan
27 JAMES J. GILLIGAN
28 Special Litigation Counsel

¹ The extension of the deadline for the Government Defendants' opposition will correspondingly extend the deadline for Plaintiffs to file their reply from January 22 to January 29, 2016. See Civil L.R. 7-3(c).

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DECLARATION PURSUANT TO CIVIL L.R. 5-1 AND 6-2

I, James J. Gilligan, hereby declare (1) pursuant to Civil L.R. 5-1, that I have obtained Plaintiffs' concurrence in the filing of this document from Richard R. Wiebe, counsel for Plaintiffs, and (2) pursuant to Civil L.R. 6-2, that the reasons given above for the enlargements of time requested herein are true and correct.

Executed on January 13, 2016, in Washington, D.C.

/s/ James J. Gilligan
JAMES J. GILLIGAN

* * * * *

The Court grants the stipulation, as modified herein:

~~PURSUANT TO STIPULATION~~, it is ORDERED that (1) the deadline to file the Government Defendants' response to Plaintiffs' Motion To Dissolve the Discovery Stay Re: Counts 9, 12, & 15 (Dkt. No. 334) is extended from January 15 to January 22, 2016, ^{the reply is due on January 29, 2016} and (2) the hearing on Plaintiffs' motion is rescheduled from February 5 to ~~February 12, 2016~~ February 26, 2016.

IT IS SO ORDERED.

Dated: January 14, 2016


The Hon. Jeffrey S. White
United States District Judge