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11 *in Their Official Capacities*

Attorneys for the Plaintiffs

12
13 **UNITED STATES DISTRICT COURT**
14 **NORTHERN DISTRICT OF CALIFORNIA**
15 **SAN FRANCISCO DIVISION**

16
17 VIRGINIA SHUBERT, *et al.*,

18
19 *Plaintiffs,*

20 v.

21 UNITED STATES OF AMERICA, *et al.*,

22
23 *Defendants.*

MDL Docket No. 06-1791 VRW
Case No. C:07-cv-693-VRW

**STIPULATION TO EXTEND TIME
TO RENEW MOTION TO DISMISS
AND FOR SUMMARY JUDGMENT**

Courtroom: 6, 17th Floor
Judge: Hon. Vaughn R. Walker

1 Pursuant to Local Rule 6-2, the parties hereby stipulate to an extension of time for the
2 Government Defendants to renew their motion to dismiss and for summary judgment, and to
3 adjust the briefing schedule on that motion accordingly, but not the scheduled hearing date.

4 **RECITALS**

5 1. On September 10, 2009, the parties agreed to and the Court adopted a briefing
6 schedule for Government Defendants to renew their motion to dismiss or, in the alternative, for
7 summary judgment based on the Government's assertion of the state secrets privilege.
8 According to that schedule, Government Defendants' renewed motion is due October 8, 2009;
9 plaintiffs' opposition is due November 5, 2009; and Government Defendants' reply is due
10 November 19, 2009. A hearing for that motion is scheduled for December 15, 2009. Dkt. 31 in
11 07-cv-693.

12 2. Government Defendants require additional time for the necessary consultations
13 before filing their renewed motion. The parties have conferred and agreed to a proposed
14 modification of the briefing schedule.

15 3. Therefore, the parties have stipulated and agreed that the Government Defendants'
16 renewed motion to dismiss or, in the alternative, for summary judgment would be due no later
17 than October 20, 2009. The parties have further stipulated and agreed that the plaintiffs'
18 opposition to that motion would be due no later than November 24, 2009, and the Government
19 Defendants' reply in support of the motion would be due no later than December 4, 2009.¹ The
20 parties stipulate and agree that the hearing on the Government Defendants' motion should remain
21 scheduled for December 15, 2009, and the parties request that the Court not alter this date. A
22 proposed order is attached.

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24
25
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27 ¹ Although this date is eleven days before the scheduled hearing, *see* Local R. 7-3(c),
28 Government Defendants respectfully request and appreciate the Court's accommodation.

1 **STIPULATION**

2 Pursuant to Local Rule 6-2, the parties hereby stipulate that: the Government Defendants'
3 renewed motion to dismiss or, in the alternative, for summary judgment would be due no later
4 than October 20, 2009; the plaintiffs' opposition to that motion would be due no later than
5 November 24, 2009; and the Government Defendants' reply in support of the motion would be
6 due no later than December 4, 2009. The hearing on the Government Defendants' motion would
7 be December 15, 2009, as previously scheduled.

8 DATED: October 2, 2009

Respectfully Submitted,

9
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19 By: /s Paul E. Ahern
Paul E. Ahern

20 *Attorneys for the Government Defendants Sued in*
21 *Their Official Capacity*

DECLARATION PURSUANT TO GENERAL ORDER 45, § X.B

I, PAUL E. AHERN, hereby declare pursuant to General Order 45, § X.B, that I have obtained the concurrence in the filing of this document from each of the other signatories listed below.

I declare under penalty of perjury that the foregoing declaration is true and correct.

Executed on October 2, 2009, in the City of Washington, District of Columbia.

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By: s/ Paul E. Ahern
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By: s/ Ilann M. Mazel per G.O. 45
Ilann M. Mazel

Attorneys for Plaintiffs

~~PROPOSED~~ ORDER

Pursuant to the foregoing stipulation to extend time to renew motion to dismiss and for summary judgment and good cause appearing, it is hereby ORDERED that:

1. The Government Defendants' renewed motion to dismiss and for summary judgment shall be filed no later than October 20, 2009.
2. The Plaintiffs' opposition to that motion shall be filed no later than November 24, 2009.
3. The Government Defendants' reply in support of the motion shall be filed no later than December 4, 2009.
4. A hearing on the Government Defendants' motion shall be conducted on December 15, 2009, at 10:00 a.m.

IT IS SO ORDERED.

Dated: October 7, 2009.

