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16 **UNITED STATES DISTRICT COURT**
17 **NORTHERN DISTRICT OF CALIFORNIA**
18 **OAKLAND DIVISION**

19 FIRST UNITARIAN CHURCH OF LOS)
20 ANGELES, *et al.*,)
Plaintiffs,)
21 v.)
22 NATIONAL SECURITY AGENCY, *et al.*,)
Defendants.)
23)
24)

Case No: 4:13-cv-03287 JSW
STIPULATION AND ~~PROPOSED~~
ORDER FOR LEAVE TO FILE
SECOND AMENDED COMPLAINT
Courtroom 5, 2nd Floor
The Honorable Jeffrey S. White

1 THE PARTIES, BY AND THROUGH THEIR RESPECTIVE COUNSEL, HEREBY
2 STIPULATE, that, as previously indicated in the Joint Case Management Statement (ECF No. 20) at
3 p. 7 and plaintiffs' Reply in Support of Motion for Partial Summary Judgment and Opposition to
4 Defendants' Motion to Dismiss (ECF No. 72) at p. 17 n. 8, plaintiffs intended to file a Second
5 Amended Complaint setting forth a damages cause of action under 18 U.S.C. section 2712 as soon as
6 plaintiffs had exhausted their administrative remedies, that those remedies have been exhausted and
7 that:

8 1. Plaintiffs may file their Second Amended Complaint, a copy of which is attached
9 ~~hereto~~ as Exhibit 1 and is incorporated herein;

10 2. The filing of the Second Amended Complaint will have no effect on the pending
11 cross-motions for partial summary judgment and to dismiss the claims asserted in plaintiffs' First
12 Amended Complaint;

13 3. No answer or other responsive pleading to the Second Amended Complaint will be
14 due until 30 days after the decision on the pending cross-motions.

15
16 Dated: August 18, 2014

Respectfully submitted,

17 *s/ Cindy Cohn*

CINDY COHN

LEE TIEN

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JAMES S. TYRE

MARK RUMOLD

ANDREW CROCKER

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Counsel for Plaintiffs

Dated: August 18, 2014

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*Counsel for the Government Entity And Official
Capacity Defendants*

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DECLARATION PURSUANT TO LOCAL RULE 5-1

I, Cindy Cohn, hereby declare pursuant to Local Rule 5-1 that Plaintiffs have obtained the Government Entity and Official-Capacity Defendants' concurrence in the filing of this document from Marcia Berman, Counsel for the Government Entity and Official-Capacity Defendants.

Executed on August 18, 2014, in San Francisco, California.

s/ Cindy Cohn
Cindy Cohn

* * * * *

ORDER

PURSUANT TO STIPULATION, it is hereby ORDERED that the Clerk of the Court is directed to enter on the docket Exhibit 1 attached hereto as Plaintiffs' Second Amended Complaint.

IT IS SO ORDERED.

Dated: August 19, 2014

Jeffrey S. White

HON. JEFFREY S. WHITE
U.S. DISTRICT COURT JUDGE