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

<p>14 ) 15 CAROLYN JEWEL, <i>et al.</i>, ) 16 ) 17 Plaintiffs, ) 18 v. ) 19 NATIONAL SECURITY AGENCY, <i>et al.</i>, ) 20 Defendants. ) 21 )</p>	<p>Case No. 4:08-cv-04373-JSW</p> <p><b>GOVERNMENT DEFENDANTS’ UNOPPOSED ADMINISTRATIVE MOTION TO EXTEND THE TIME FOR THEIR RESPONSE TO PLAINTIFFS’ MOTION FOR PARTIAL SUMMARY JUDGMENT UNTIL 11 AM ON MONDAY, SEPTEMBER 29, TO ALLOW FOR RELIGIOUS OBSERVANCE</b></p> <p>No hearing scheduled</p>
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22 Pursuant to Local Rules 6-3 and 7-11, the Government Defendants respectfully request a  
23 brief extension of the due date for their response to Plaintiffs’ Motion for Summary  
24 Judgment until Monday, September 29, 2014 at 11:00 a.m., PDT. As required by Local Rule 6-  
25 3, the Government Defendants submit a declaration in support of this administrative motion.  
26 *See Decl. of Marcia Berman, Exhibit 1 hereto.* Furthermore, in support of their request, the  
27 Government Defendants aver the following:

28 Government Defendants’ Unopposed Administrative Motion to Extend the Time for their Response to Plaintiffs’  
Motion for Partial Summary Judgment until 11 am on Monday, September 29, to Allow for Religious Observance,  
*Jewel v. National Security Agency* (4:08-cv-4373-JSW)

1           1.       Plaintiffs filed their Motion for Partial Summary Judgment on July 25, 2014.  
2 ECF No. 261.

3           2.       On July 29, 2014, the parties filed a stipulation agreeing to a briefing schedule on  
4 Plaintiffs' motion. ECF No 267. Under the stipulation, the Government Defendants' response to  
5 Plaintiffs' motion was due on September 19, 2014, and Plaintiffs' reply was due on October 17,  
6 2014. The Court granted the stipulation on August 4, 2014.

7           3.       On September 16, 2014, the Government Defendants sought a two-week  
8 extension of the September 19, 2014 due date for their reply. *See* ECF No. 279. On September  
9 19, 2014, the Court granted the Government Defendants' extension motion in part, setting the  
10 current deadline of September 26, 2014, and a hearing date of October 31, 2014. *See* ECF No.  
11 281.

12           4.       The Government Defendants now seek a slight modification of that deadline,  
13 from Friday, September 26, 2014, to Monday, September 29, 2014 at 11:00 a.m., PDT. The  
14 Government Defendants seek this modification to allow for the observance of Rosh Hashanah,  
15 one of the Jewish high holidays on September 24–26, 2014, by two attorneys representing the  
16 Government Defendants and senior Government officials. *See* Exh. 1, ¶¶ 3, 5. The Government  
17 Defendants did not mention Rosh Hashanah in its previous extension motion because it was not  
18 relevant to the request for relief from the September 19 deadline; the Yom Kippur holiday on  
19 October 3 was more pertinent to the request for an extension to October 6; and the Government  
20 did not anticipate a deadline of Sept. 26, which none of the parties requested.

21           5.       The Government Defendants' modest extension request will not affect any other  
22 existing deadlines, including the scheduled dates for Plaintiffs' reply or the hearing on Plaintiffs'  
23 motion. Thus, the requested extension will not unduly delay this case or otherwise prejudice  
24 Plaintiffs.

25           6.       This is the Government Defendants' second request to extend the time for their  
26 response to Plaintiffs' motion for partial summary judgment.

27           7.       The Plaintiffs indicated that they do not oppose extending the deadline for the  
28 Government Defendants' Unopposed Administrative Motion to Extend the Time for their Response to Plaintiffs'  
Motion for Partial Summary Judgment until 11 am on Monday, September 29, to Allow for Religious Observance,  
*Jewel v. National Security Agency* (4:08-cv-4373-JSW)

1 Government Defendants' response to the Plaintiffs' motion for partial summary judgment until  
2 Monday, September 29, 2014 at 11:00 a.m., PDT.

3 For the foregoing reasons, the Government Defendants respectfully request that the Court  
4 grant this unopposed administrative motion.

5  
6 Dated: September 23, 2014

Respectfully Submitted,

7 JOYCE R. BRANDA  
Acting Assistant Attorney General

8 JOSEPH H. HUNT  
Director, Federal Programs Branch

9 ANTHONY J. COPPOLINO  
Deputy Branch Director

10 /s/ Julia Berman  
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22 *Sued in their Official Capacities*

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14 **UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
15 **OAKLAND DIVISION**  
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18 CAROLYN JEWEL, <i>et al.</i> ,	)	Case No. 4:08-cv-04373-JSW
19 Plaintiff,	)	
20 v.	)	
21 NATIONAL SECURITY AGENCY, <i>et al.</i> ,	)	
22 Defendant.	)	<b>PROPOSED ORDER</b>

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26 Upon consideration of the Government Defendants’ Unopposed Administrative Motion  
27 to Extend the Time for their Response to Plaintiffs’ Motion for Partial Summary Judgment until  
28 11 a.m. on Monday, September 29, to Allow for Religious Observance, it is hereby ORDERED  
that the Government Defendants’ motion is granted. The Government Defendants’ response to

1 Plaintiffs' motion for partial summary judgment (ECF No. 261) is due on or before 11 a.m. PDT,  
2 on Monday, September 29, 2014.

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4 **IT IS SO ORDERED.**

5  
6 Dated: \_\_\_\_\_

\_\_\_\_\_  
7 JEFFREY S. WHITE  
8 UNITED STATES DISTRICT JUDGE  
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**OAKLAND DIVISION**  
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**NORTHERN DISTRICT OF CALIFORNIA**  
 14 **OAKLAND DIVISION**

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 17 )  
 18 CAROLYN JEWEL, *et al.*, )  
 19 )  
 Plaintiffs, )  
 20 )  
 v. )  
 21 )  
 NATIONAL SECURITY AGENCY, *et al.*, )  
 22 )  
 Defendants. )  
 23 )  
 24 \_\_\_\_\_ )

Case No. 4:08-cv-04373-JSW

**DECLARATION OF  
 MARCIA BERMAN,  
 SUBMITTED IN SUPPORT OF  
 GOVERNMENT DEFENDANTS'  
 UNOPPOSED ADMINISTRATIVE  
 MOTION TO EXTEND THE TIME  
 FOR THEIR RESPONSE TO  
 PLAINTIFFS' MOTION FOR  
 PARTIAL SUMMARY JUDGMENT  
 UNTIL 11 AM ON MONDAY,  
 SEPTEMBER 29, TO ALLOW FOR  
 RELIGIOUS OBSERVANCE**

No hearing scheduled

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 27  
 28 Declaration of Marcia Berman, Submitted in Support of the Government Defendants' Unopposed Administrative Motion to Extend the Time for their Response to Plaintiffs' Motion for Partial Summary Judgment until 11 a.m. on Monday, September 29, to Allow for Religious Observance, *Jewel v. National Security Agency* (4:08-cv-4373-JSW).

1 Pursuant to 28 U.S.C. § 1746, I, Marcia Berman, hereby declare:

2 1. I serve as Senior Trial Counsel in the United States Department of Justice, Civil  
3 Division, Federal Programs Branch. I serve as one of the counsel for the Government  
4 Defendants in the above-captioned case.

5 2. I submit this declaration, pursuant to Local Rule 6-3(a), in support of the  
6 Government Defendants' Unopposed Administrative Motion to Extend the Time for their  
7 Response to Plaintiffs' Motion for Partial Summary Judgment until 11 a.m. on Monday,  
8 September 29, to Allow for Religious Observance.

9 3. The Government Defendants respectfully request this minor modification of the  
10 deadline to allow for the observance of Rosh Hashanah, one of the Jewish high holidays on  
11 September 24–26, 2014, by two attorneys representing the Government Defendants and by  
12 senior Government officials.

13 4. The Government Defendant conferred with counsel representing the Plaintiffs  
14 regarding the Government Defendants' request to extend the time for their response to Plaintiffs'  
15 motion for partial summary judgment until Monday, September 29, 2014. Counsel for the  
16 Plaintiffs indicated that they would not object to the extension of the deadline until 11 a.m. PDT  
17 on that date. Counsel also indicated a preference that the Government Defendants seek this  
18 modification through an unopposed administrative motion rather than through a stipulation.  
19 Thus, the Government Defendants are submitting the instant unopposed administrative motion  
20 accompanied by a declaration, rather than a stipulation.

21 5. This is the Government Defendants' second request to extend the time for their  
22 response to Plaintiffs' motion for partial summary judgment.

23 6. The modest extension that the Government Defendants seek would not affect the  
24 schedule for this case, including the scheduled dates for Plaintiffs' reply and the hearing on  
25 Plaintiffs' motion.

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JSW).

1 I declare under penalty of perjury that the foregoing is true and correct.  
2  
3

4 Dated: September 23, 2014

Respectfully Submitted,

5 JOYCE R. BRANDA  
Acting Assistant Attorney General

6 JOSEPH H. HUNT  
7 Director, Federal Programs Branch

8 ANTHONY J. COPPOLINO  
9 Deputy Branch Director

*/s/Marcia Berman*

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