

1 MARK RUMOLD (SBN 279060)  
 mark@eff.org  
 2 DAVID GREENE (SBN 160107)  
 3 NATHAN D. CARDOZO (SBN 259097)  
 LEE TIEN (SBN 148216)  
 4 KURT OPSAHL (SBN 191303)  
 5 HANNI FAKHOURY (SBN 252629)  
 6 JAMIE L. WILLIAMS (SBN 279046)  
 7 ANDREW CROCKER (SBN 291596)  
 ELECTRONIC FRONTIER FOUNDATION  
 8 815 Eddy Street  
 San Francisco, CA 94109  
 9 Telephone: (415) 436-9333  
 Facsimile: (415) 436-9993

10  
 11 *Counsel for Plaintiff*  
*Human Rights Watch*

12  
 13 **UNITED STATES DISTRICT COURT**  
 14 **CENTRAL DISTRICT OF CALIFORNIA**  
 15 **WESTERN DIVISION**

17 HUMAN RIGHTS WATCH,	)	Case No: 2:15-cv-2573-PSG-JPR
	)	
18 Plaintiff,	)	<b>OPPOSITION TO</b>
19 v.	)	<b>DEFENDANTS' REQUEST TO</b>
	)	<b>CONTINUE HEARING</b>
20 DRUG ENFORCEMENT	)	
21 ADMINISTRATION, <i>et al.</i> ,	)	
	)	Courtroom 880 – Roybal
22 Defendants.	)	Hon. Philip S. Gutierrez
23	)	

1 Plaintiff Human Rights Watch (“HRW”) opposes the government’s request  
2 (ECF No. 27) to continue the hearing on HRW’s Motion for Expedited Discovery,  
3 currently set for July 13. Efficiency and preservation of the Court’s and the parties’  
4 resources are best served by hearing the Motion as scheduled.  
5

6 1. The government’s Motion to Dismiss constitutes a factual attack on  
7 HRW’s complaint—purportedly introducing a disputed factual issue relevant to  
8 HRW’s standing. *See* Reply in Support of Motion for Expedited Discovery  
9 (“Reply”) at 5-7, 9-10 (ECF No. 26); *see also* Defendants’ Memorandum in  
10 Support of Motion to Dismiss (ECF No. 24-1) & Declaration of Robert W.  
11 Patterson (ECF No. 24-2).  
12

13  
14 2. Discovery, like that sought through this Motion, is the only method to  
15 resolve that factual dispute. Consideration of this Motion should thus occur *before*  
16 further briefing or hearing on the government’s Motion to Dismiss. *See* Reply at 5-  
17 7, 9-10.  
18

19 3. Delaying consideration of this Motion would require the Court to  
20 evaluate—and HRW to argue against—the government’s Motion to Dismiss on an  
21 incomplete and one-sided factual record.  
22

23 ///

24 ///

25 ///

1 Accordingly, the Motion for Expedited Discovery can and should be heard  
2 now.<sup>1</sup>

3 Dated: July 8, 2015

Respectfully submitted,

4  
5 *s/ Mark Rumold*

6 MARK RUMOLD  
7 DAVID GREENE  
8 NATHAN D. CARDOZO  
9 LEE TIEN  
10 KURT OPSAHL  
11 HANNI FAKHOURY  
12 JAMIE L. WILLIAMS  
13 ANDREW CROCKER

14 ELECTRONIC FRONTIER  
15 FOUNDATION

16 *Counsel for Plaintiff Human Rights Watch*

17  
18  
19  
20  
21  
22  
23 <sup>1</sup> HRW respectfully submits that, if anything, it is the August 17 hearing that  
24 should be continued. Because the government has created a factual dispute  
25 concerning jurisdiction, HRW should be afforded an opportunity to take full and  
26 adequate discovery concerning the matter. That discovery, in turn, may require  
27 more time than the current briefing and hearing schedule affords. The hearing on  
28 the government’s Motion to Dismiss—not this hearing—should therefore be stayed  
pending resolution of these discovery matters.

**CERTIFICATE OF SERVICE**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

I hereby certify that I electronically filed the foregoing with the Clerk of the Court for the United States District Court for the Central District of California by using the Court’s CM/ECF system on July 8, 2015.

I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the Court’s CM/ECF system.

Dated: July 8, 2015

s/ Mark Rumold  
MARK RUMOLD

1 MARK RUMOLD (SBN 279060)  
 mark@eff.org  
 2 DAVID GREENE (SBN 160107)  
 3 NATHAN D. CARDOZO (SBN 259097)  
 LEE TIEN (SBN 148216)  
 4 KURT OPSAHL (SBN 191303)  
 5 HANNI FAKHOURY (SBN 252629)  
 JAMIE L. WILLIAMS (SBN 279046)  
 6 ANDREW CROCKER (SBN 291596)  
 7 ELECTRONIC FRONTIER FOUNDATION  
 815 Eddy Street  
 8 San Francisco, CA 94109  
 9 Telephone: (415) 436-9333  
 Facsimile: (415) 436-9993

10  
 11 *Counsel for Plaintiff*  
*Human Rights Watch*

12  
 13 **UNITED STATES DISTRICT COURT**  
 14 **CENTRAL DISTRICT OF CALIFORNIA**  
 15 **WESTERN DIVISION**

17 HUMAN RIGHTS WATCH,	)	Case No: 2:15-cv-2573-PSG-JPR
	)	
18 Plaintiff,	)	<b>[PROPOSED] ORDER</b>
19 v.	)	<b>DENYING DEFENDANTS'</b>
	)	<b>REQUEST TO CONTINUE</b>
20 DRUG ENFORCEMENT	)	<b>HEARING</b>
21 ADMINISTRATION, <i>et al.</i> ,	)	
	)	
22 Defendants.	)	Courtroom 880 – Roybal
	)	Hon. Philip S. Gutierrez

1           Having considered Defendants’ Request to Continue Hearing on Plaintiff’s  
2 Motion for Expedited Discovery, the opposition thereto, and the entire record  
3 herein, the Court hereby DENIES Defendants’ Request.  
4

5 **IT IS SO ORDERED.**

6  
7 Dated: \_\_\_\_\_

8 \_\_\_\_\_  
9 HON. PHILIP S. GUTIERREZ  
10 UNITED STATES DISTRICT COURT JUDGE  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

**CERTIFICATE OF SERVICE**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

I hereby certify that I electronically filed the foregoing with the Clerk of the Court for the United States District Court for the Central District of California by using the Court’s CM/ECF system on July 8, 2015.

I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the Court’s CM/ECF system.

Dated: July 8, 2015

s/ Mark Rumold  
MARK RUMOLD