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1 2 3 4 5 6 7 8 9	MICHAEL F. HERTZ Deputy Assistant Attorney General ANN M. RAVEL Deputy Assistant Attorney General TIMOTHY P. GARREN Director ANDREA W. MCCARTHY Senior Trial Counsel JAMES R. WHITMAN (D.C. Bar No. 9 Trial Attorney United States Department of Justice Civil Division, Torts Branch P.O. Box 7146, Ben Franklin Station Washington, DC 20044-7146 Tel: (202) 616-4169 Fax: (202) 616-4314 james.whitman@usdoj.gov		96		
	Attorneys for the Defendants Listed on the Signature Page				
11 12	UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA				
12	SAN FRANCISCO DIVISION No. 08-4373 VRW				
13	CAROLYN JEWEL, et al.,	ý	) No. 08-4373 V KW ) ) STIPULATION TO SET BRIEFING ) SCHEDULE		
15	Plaintiffs,				
16	V.	) [Civ	vil L.R. 6-1(b); 6-2	2; 7-12]	
17	NATIONAL SECURITY AGENCY, et	al., )			
18	Defendants.				
19		/			
20	Pursuant to Local Rule 6-1(b), the parties, through their undersigned counsel, hereby				
21	stipulate and agree to a briefing schedule in connection with the Individual Capacity Defendants'				
22	Motion for Relief from the Court's Orders of April 27, 2009, and May 8, 2009.				
23	RECITALS				
24	1. On September 18, 2008, plaintiffs filed a complaint in this action against the National Security Agency ("NSA"), the United States, and several Government officials in their official and individual capacities, challenging alleged surveillance activities on statutory and				
25					
26					
27	constitutional grounds. <u>See</u> Doc # 1.				
28					

Jewel v. NSA, No. 08-4373 VRW, Stipulation to Set Briefing Schedule

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1	2.	On April 3, 2009, the	Government Defendants sued in their official capacities	
2	filed a Motion to Dismiss and for Summary Judgment. See Doc # 18. That motion was argued			ed
3	and submitted for consideration by the Court on July 15, 2009.			
4	3.	3. On July 10, 2009, the individual capacity defendants filed a Motion for Relief		
5	from the Court's Orders of April 27, 2009, and May 8, 2009. See Doc # 32. That motion is			
6	scheduled to be heard on September 17, 2009, at 10:00 a.m.			
7	4.	4. The parties have conferred and agreed upon the following briefing schedule in		
8	connection with the September 17, 2009 hearing date:			
9		August 24, 2009:	Plaintiffs' Opposition to the Individual Capacity	
10			Defendants' Motion	
11		September 3, 2009:	Individual Defendants' Reply	
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	Jewel v. NSA, No	. 08-4373 VRW, Stipulati	on to Set Briefing Schedule	-2

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## **STIPULATION**

1	STILULATION				
2	Pursuant to Local Rule 6-1(b), the parties, through their undersigned counsel, hereby				
3	stipulate and agree to the following schedule in connection with the Individual Capacity				
4	Defendants' Motion for Relief from the Court's Orders of April 27, 2009, and May 8, 2009:				
5	1. August 24, 2009: Plaintiffs' Opposition to the Individual Capacity				
6	Defendants' Motion				
7	2. September 3, 2009: Individual Capacity Defendants' Reply				
8	3. September 17, 2009: Hearing on Individual Capacity Defendants' Motion at				
9	10:00 a.m.				
10					
11	Respectfully submitted this 5th day of August, 2009,				
12	MICHAEL F. HERTZ Deputy Assistant Attorney General, Civil Division				
13	ANN M. RAVEL				
14	Deputy Assistant Attorney General, Civil Division				
15	TIMOTHY P. GARREN Director, Torts Branch				
16	ANDREA W. MCCARTHY				
17	Senior Trial Counsel, Torts Branch				
18	/s/ James R. Whitman JAMES R. WHITMAN (D.C. Bar No. 987694)				
19	Trial Attorney United States Department of Justice Civil Division, Torts Branch				
20					
21	Attorneys for George W. Bush, Richard B. Cheney, David S. Addington, Keith B. Alexander, Michael V. Hayden, John D. McConnell, John D. Negroponte, Michael B. Mukasey, Alberto R.				
22	Gonzales, and John D. Ashcroft, in their individual capacity				
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	Jewel v. NSA, No. 08-4373 VRW, Stipulation to Set Briefing Schedule -3				

## **DECLARATION PURSUANT TO GENERAL ORDER 45, § X.B**

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2 I, JAMES R. WHITMAN, hereby declare that, pursuant to General Order 45, § X.B, I 3 have obtained the concurrence in the filing of this document from each of the other signatories 4 listed below. 5 I declare under penalty of perjury that the foregoing declaration is true and correct. Executed on August 5, 2009, in the City of Washington, District of Columbia. 6 7 /s/ James R. Whitman 8 JAMES R. WHITMAN (D.C. Bar No. 987694) **Trial Attorney** 9 United States Department of Justice Civil Division, Torts Branch P.O. Box 7146, Ben Franklin Station 10 Washington, DC 20044-7146 11 Tel: (202) 616-4169 Fax: (202) 616-4314 12 james.whitman@usdoj.gov 13 Attorney for the Individual Capacity Defendants 14 SIGNATORY PER G.O. 45: ELECTRONIC FRONTIER FOUNDATION 15 **CINDY COHN (145997)** LEE TIEN (148216) 16 KURT OPSAHL (191303) KEVIN S. BANKSTON (217026) JAMES S. TYRE (083117) 17 454 Shotwell Street San Francisco, CA 94110 18 Telephone: 415/436-9333 Fax: 415/436-9993 19 20 By: /s/ Cindy Cohn per G.O. 45 CINDY COHN 21 Attorneys for Plaintiffs 22 23 24 25 26 27 28 -4-Jewel v. NSA, No. 08-4373 VRW, Stipulation to Set Briefing Schedule

1			[PROPOSED] ORDER	
2	Pursuant to the foregoing Stipulation, and good cause appearing, the Court hereby sets the			
3	following schedule in connection with the Individual Capacity Defendants' Motion for Relief			
4	from the Cour	from the Court's Orders of April 27, 2009, and May 8, 2009:		
5	1.	August 24, 2009:	Plaintiffs' Opposition to the Individual Capacity	
6			Defendants' Motion	
7	2.	September 3, 2009:	Individual Capacity Defendants' Reply	
8	3.	September 17, 2009:	Hearing on Individual Capacity Defendants' Motion at	
9			10:00 a.m.	
10	DUDS	114 NT TO STIDUL A	TION, IT IS SO ORDERED:	
11				
12	Dated.		, 2009	
13			Hon. Vaughn R. Walker United States District Chief Judge	
14			Onice States District Chief Judge	
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