

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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4 WILEY GILL, et al.,

5 *Plaintiffs,*

6 v.

7 DEPARTMENT OF JUSTICE, et al,

8 *Defendants.*
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)
)
) No. 3:14-cv-03120-RS

)
) FURTHER JOINT CASE MANAGEMENT
) STATEMENT AND [~~PROPOSED~~] ORDER

)
) AS MODIFIED BY COURT

10 The Parties to the above-entitled action jointly submit this FURTHER JOINT CASE
11 MANAGEMENT STATEMENT in advance of the August 4, 2016 Case Management
12 Conference set in this matter. *See* Dkt. No. 102.

13 **I. Background**

14 This is an action pursuant to the Administrative Procedure Act (“APA”), 5 U.S.C. § 500
15 *et seq.* Defendants have certified an Administrative Record. *See* Dkt. No. 52. On September 8,
16 2015, the Court referred any disputes regarding the Administrative Record which the parties
17 were unable to resolve through meeting and conferring to a magistrate judge for motion practice.
18 *See* Dkt. No. 72. Plaintiffs filed a Motion to Complete the Administrative Record on October 1,
19 2015. *See* Dkt. Nos. 73-76. On December 18, 2015, Magistrate Judge Westmore granted in part
20 and denied in part Plaintiffs’ motion. *See* Dkt. No. 88. Defendants filed a Motion for Relief
21 from Non-Dispositive Order of Magistrate Judge on January 15, 2016. *See* Dkt. No. 94. This
22 Court ruled on Defendants’ motion on February 12, 2016, deferring enforcement of a portion of
23 the magistrate judge’s order to which Defendants objected but denying Defendants’ remaining
24 objections. *See* Dkt. No. 102. The Court set a joint case management conference for August 4,
25 2016 and instructed the parties to file a case management statement setting out their views on
26 how the matter should proceed. *See id.*

1 **II. Parties' Positions as to Further Proceedings**

2 Defendants have filed a Supplemental Administrative Record. *See* Dkt. No. 107. The
3 parties agree that it is appropriate to proceed to summary judgment. The parties jointly propose
4 the following schedule:

5	Defendants' Opening Summary Judgment Brief (35 pages)	August 19, 2016
6	Plaintiffs' Opposition and Cross-Motion (40 pages)	September 22, 2016
7	Defendants' Reply (35 pages)	October 20, 2016
8	Plaintiffs' Reply (30 pages)	November 17, 2016

9 The proposed page limits reflect those previously set by the Court.¹

10 The parties further propose a hearing date of December 1, 2016 or as soon thereafter as
11 the Court is available.²

12 Because the parties agree that the matter should now proceed to summary judgment, the
13 parties do not believe the case management conference currently scheduled for August 4, 2016 is
14 necessary. The parties will of course appear if the Court believes there are any issues it wishes
15 addressed.

16
17 Dated: June 21, 2016

/s/ Linda Lye

18 Counsel for Plaintiffs³

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21 ¹ The parties previously proposed that Defendants' opening brief not exceed 40 pages, Plaintiffs'
22 opposition and cross-motion brief not exceed 45 pages, Defendants' opposition and reply not
23 exceed 40 pages, and Plaintiffs' reply not exceed 35 pages. *See* Dkt. No. 71 at 12. The Court
24 indicated that those proposed page limits would be reduced by five pages per brief. *See* Dkt. No.
25 72 at 2.

26 ² The parties request that Defendants not be required to file their opening brief before August 18,
27 2016 due to pre-existing commitments in other cases and further request that no hearing in this
28 matter be scheduled between December 16, 2016 and January 1, 2016, as lead counsel for
Plaintiffs will be out of the country.

³ I, Linda Lye, hereby attest, in accordance with Local Rule 5-1(i)(3), the concurrence in the
filing of this document has been obtained from the other signatory listed here.

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[PROPOSED] CASE MANAGEMENT ORDER

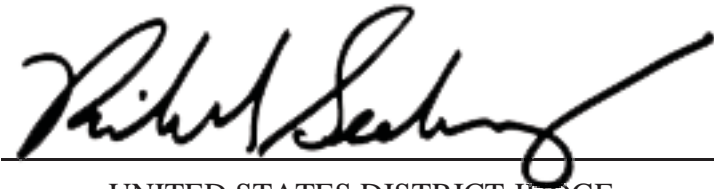
The case management conference currently scheduled for August 4, 2016 is vacated.
The following briefing schedule and page limits shall govern the parties' cross-motions for summary judgment:

<u>Brief</u>	<u>To be filed no later than</u>
Defendants' Opening Summary Judgment Brief (35 pages)	August 18, 2016
Plaintiffs' Opposition and Cross-Motion (40 pages)	September 22, 2016
Defendants' Reply (35 pages)	October 20, 2016
Plaintiffs' Reply (30 pages)	November 17, 2016

The parties cross-motions for summary judgment shall be heard on **December 8, 2016** at 1:30 pm.

IT IS SO ORDERED.

Dated: July 25, 2016



UNITED STATES DISTRICT JUDGE