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9
10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

13 AMERICAN CIVIL LIBERTIES UNION)
FOUNDATION; AMERICAN CIVIL)
14 LIBERTIES UNION OF NORTHERN)
CALIFORNIA,)

15 Plaintiffs,)

16 v.)

17 DEPARTMENT OF JUSTICE; FEDERAL)
BUREAU OF INVESTIGATION;)
18 DEPARTMENT OF HOMELAND)
SECURITY; U.S. CUSTOMS AND)
19 BORDER PROTECTION; U.S.)
CITIZENSHIP AND IMMIGRATION)
20 SERVICES; U.S. IMMIGRATION AND)
CUSTOMS ENFORCEMENT;)
21 DEPARTMENT OF STATE,)

22 Defendants.)

No. 19-cv-290-EMC

CONSENT MOTION TO EXTEND
TIME TO FILE MOTION FOR
SUMMARY JUDGMENT

23 Pursuant to Civil Local Rules 6-3 and 7-11, Defendant Department of
24 Homeland Security (“Defendant”), by undersigned counsel, with the consent of
25 Plaintiffs, moves for an extension of time, from November 4, 2020, to December
26 10, 2020, for Defendant to file a motion for summary judgment with respect to the

1 FOIA requests submitted to U.S. Immigration & Customs Enforcement (“ICE”),
2 U.S. Customs and Border Protection (“CBP”) and U.S. Citizen and Immigration
3 Services (“USCIS”), and for corresponding extensions of the remaining summary
4 judgment briefing deadlines.

5 On August 20, 2020, Defendant provided Plaintiffs’ counsel with draft
6 Vaughn information regarding the redactions and withholdings by ICE, CBP, and
7 USCIS, with the aim of allowing the parties to negotiate a narrowing of the issues
8 in dispute prior to summary judgment briefing. Defendant also provided Plaintiffs
9 with a set of reprocessed documents from CBP, which lifted many of CBP’s
10 original redactions. Defendant subsequently also provided Plaintiffs with
11 reprocessed documents from USCIS. On August 31, the parties submitted a
12 proposed summary judgment briefing schedule, which the Court so-ordered. (ECF
13 No. 72).

14 On October 9, 2020, Plaintiffs responded to the information provided by
15 USCIS, identifying one category of redactions that they did not plan to dispute and
16 noting areas for further discussion and negotiation. On October 20, 2020, Plaintiffs
17 responded to the information provided by CBP, identifying specific redactions that
18 they did not plan to dispute and posing questions for further discussion. Plaintiffs
19 have not yet responded to the draft Vaughn information provided by ICE.

20 Pursuant to the current briefing schedule, Defendant’s opening brief is due
21 November 4, 2020. (ECF No. 72). However, because Defendant only recently
22 received Plaintiffs’ initial responses to the draft Vaughn information provided in
23 August, and because the parties’ discussions and negotiations remain ongoing, it is
24 not feasible for Defendant to file its summary judgment motion by the current
25 deadline.

1 Accordingly, Defendant respectfully requests that the summary judgment
2 briefing schedule be revised as follows:

3
4 December 10, 2020: Defendant's motion for summary judgment.

5 January 22, 2021: Plaintiffs' opposition and cross-motion.

6 February 22, 2021: Defendant's reply and opposition to cross-motion.

7 March 8, 2021: Plaintiffs' reply.

8 March 22, 2021: Hearing on parties' cross-motions.

9
10 This is Defendant's first request for an extension of the briefing schedule for
11 the cross-motions for summary judgment with respect to ICE, CBP, and USCIS.
12 Plaintiffs consent to this request, and to the proposed briefing schedule above.

13
14 Respectfully submitted,

15 Dated: October 30, 2020

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19 /s/
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