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8 *Attorneys for Defendants*

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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, moves for a three-day
25 extension of time, from January 11, 2021, to January 14, 2021, for Defendant to
26 file a motion for summary judgment with respect to the FOIA requests submitted

1 to U.S. Immigration and Customs Enforcement (“ICE”), U.S. Customs and Border
2 Protection (“CBP”) and U.S. Citizenship and Immigration Services (“USCIS”),
3 and for corresponding extensions of the remaining summary judgment briefing
4 deadlines. Plaintiffs consent to this request.

5 Defendant requests a three-day extension of its deadline to file the motion
6 for summary judgment in order for undersigned counsel to address a time-sensitive
7 matter in another case. In the other matter, undersigned counsel had arranged for a
8 different attorney to be assigned to work on the filing at issue because of the
9 summary judgment briefing deadline in this FOIA case. However, the new attorney
10 who was assigned to assist with the time-sensitive filing had a death in his family
11 earlier this week, which has made it difficult for him to devote maximum time to
12 the matter. Because it is not feasible at this point to bring on another new attorney
13 to work on the matter, and because undersigned counsel is the only attorney in her
14 office with in-depth knowledge of the case at issue, undersigned counsel must now
15 be more heavily involved in the filing than she had planned. Defendant therefore
16 seeks a three-day extension of the deadline to file its motion for summary
17 judgment with respect to CBP, ICE, and USCIS.

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

20
21 January 14, 2021: Defendant’s motion for summary judgment.

22 February 25, 2021: Plaintiffs’ opposition and cross-motion.

23 March 27, 2021: Defendant’s reply and opposition to cross-motion.

24 April 11, 2021: Plaintiffs’ reply.

25 April 25, 2021 (or TBD by Court): Hearing on parties’ cross-motions.
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1 This is Defendant's third request for an extension of the briefing schedule
2 for the cross-motions for summary judgment with respect to ICE, CBP, and
3 USCIS. Plaintiffs consent to this request.

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5 Respectfully submitted,

6 Dated: January 7, 2021

7 JEFFREY BOSSERT CLARK
Acting Assistant Attorney General

8 ELIZABETH J. SHAPIRO (D.C. Bar No.
418925)
9 Deputy Branch Director

10 /s/
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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO-OAKLAND DIVISION

AMERICAN CIVIL LIBERTIES
UNION FOUNDATION, *et al.*,

Plaintiffs,

v.

DEPARTMENT OF JUSTICE, *et al.*,

Defendants.

Case No. 19-CV-00290-EMC

[PROPOSED] ORDER

Upon the consent motion filed by defendant Department of Homeland Security, and good cause appearing, the Court hereby orders that the briefing schedule for the parties’ cross-motions for summary judgment with respect to the FOIA requests submitted to ICE, CBP, and USCIS is revised as follows:

- January 14, 2021: Defendant’s motion for summary judgment.
- February 25, 2021: Plaintiffs’ opposition and cross-motion.
- March 27, 2021: Defendant’s reply and opposition to cross-motion.
- April 11, 2021: Plaintiffs’ reply.
- _____, 2021: Hearing on parties’ cross-motions.

1 IT IS SO ORDERED.

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3 Dated: January __, 2021

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5 Hon. Edward M. Chen
6 United States District Judge
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