1 BENJAMIN C. MIZER Principal Deputy Assistant Attorney General 2 BRIAN STRETCH United States Attorney 3 ANTHONY J. COPPOLÍNO Deputy Branch Director 4 SUSAN K. ULLMAN District of Columbia Bar No. 426874 5 Senior Trial Counsel Civil Division, Federal Programs Branch 6 U.S. Department of Justice 20 Massachusetts Ave., NW 7 Washington, D.C. 20530 Telephone: (202) 616-0680 8 Facsimile: (202) 616-8470 E-mail: susan.ullman@usdoj.gov 9 10 Attorneys for Defendants 11 Counsel for Plaintiffs Listed on Signature Page 12 UNITED STATES DISTRICT COURT 13 NORTHERN DISTRICT OF CALIFORNIA OAKLAND DIVISION 14 15 VIETNAM VETERANS OF AMERICA, et al., Case No. CV 09-0037-CW (EDL) 16 Plaintiffs, STIPULATION TO 17 **ENLARGE INJUNCTION** v. 18 SUBMISSION DEADLINES AND CENTRAL INTELLIGENCE AGENCY, et al., [PROPOSED] ORDER 19 Defendants. 20 21 Pursuant to Federal Rule of Civil Procedure 6(b)(1) and Civil Local Rule 6-2, the parties, 22 by and through undersigned counsel, hereby respectfully move to enlarge the Court's medical 23 care injunction submission deadlines, as set forth below. In accordance with Civil L.R. 6-2(a), 24 this stipulation is supported by the Declaration of Susan Ullman ("Ullman Decl."), filed 25 herewith, and is filed with the proposed order below. 26

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STIPULATION TO ENLARGE INJUNCTION SUBMISSION DEADLINES AND (PROPOSED) ORDER

On January 26, 2016, the Ninth Circuit issued an amended opinion that reversed the Court's denial of injunctive relief compelling the provision of medical care by the Army. *See* ECF No. 570. On February 8, 2016, the Court ordered the parties to meet and confer regarding the Ninth Circuit's opinion and to submit either a stipulated injunction by March 7, 2016, or competing proposed injunctions along with a brief from each party supporting its respective proposal by March 14, 2016. *See* ECF No. 572. The parties promptly began the meet and confer process, but have sought extensions of the deadlines to submit injunctions in order to allow further time for the parties to attempt to fashion an appropriate injunction or to potentially resolve the case through a settlement, which the Court has granted. *See* ECF Nos. 575, 577, 579, 581.

The parties participated in a mediation on June 28, 2016, in the District of Columbia with mediator Thomas J. Perrelli. Ullman Decl. \P 2. The parties have tentatively scheduled a second mediation session for October 7, 2016, and believe an extension of the Court's deadlines would facilitate the parties' efforts to potentially resolve the case through a joint proposed injunction or a settlement. *Id.*. Accordingly, the parties jointly request an extension to the Court's injunction submission deadlines as follows, and submit that there is good cause for the requested enlargement of time.

Extend the current deadline to submit a stipulated medical care injunction from:

August 12, 2016 to October 11, 2016;

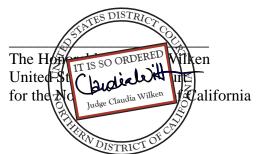
Extend the current deadline to submit competing proposed injunctions and supporting briefs (if necessary) from September 2, 2016 to October 18, 2016.

There have been thirty-one previous time modifications in this case. Because the Court has not set any other deadlines in this case, the requested enlargements of time will not otherwise affect the case schedule.

Dated: September 1, 2016 Respectfully submitted, 1 2 BENJAMIN C. MIZER Principal Deputy Assistant Attorney General 3 BRIAN STRETCH **United States Attorney** 4 ANTHONY J. COPPOLINO Deputy Director, Federal Programs Branch 5 6 /s/ Grant C. Schrader /s/ Susan K. Ullman 7 JAMES P. BENNETT (CA SBN 65179) SUSAN K. ULLMAN District of Columbia Bar No. 426874 8 JBennett@mofo.com STACEY M. SPRENKEL (CA SBN 241689) Senior Trial Counsel 9 SSprenkel@mofo.com U.S. Department of Justice BEN PATTERSON (CA SBN 268696) Civil Division, Federal Programs Branch 10 BPatterson@mofo.com 20 Massachusetts Ave., NW 11 GRANT C. SCHRADER (CA SBN 273498) Washington, D.C. 20530 Telephone: (202) 616-0680 GSchrader@mofo.com 12 MORRISON & FOERSTER LLP Facsimile: (202) 616-8470 425 Market Street E-mail: susan.ullman@usdoj.gov 13 San Francisco, California 94105-2482 14 Telephone: 415.268.7000 Attorneys for Defendants Facsimile: 415.268.7522 15 Attorneys for Plaintiffs 16 17 18 19 20 21 22 23 24 25 26

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: September 2, 2016



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<u>Attestation Pursuant to Civil Local Rule 5-1</u>

I, Susan K. Ullman, am the ECF User whose ID and password are being used to file this document. I hereby attest that Grant Schrader concurs in this filing.

Date: September 1, 2016 /s/ Susan K. Ullman Susan K. Ullman

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