

1 William M. Simpich
2 Attorney at Law
3 528 Grand Avenue
4 Oakland, CA 94610
5 Telephone: (415) 542-6809
6 bsimpich@gmail.com

7 Lawrence P. Schnapf
8 SCHNAPF LLP
9 55 E. 87th Street #8b
10 New York, NY 10128
11 917-576-3667
12 larry@schnapflaw.com
13 *Admitted *pro hac vice*

14 *Attorneys for Plaintiffs*

15 **UNITED STATES DISTRICT COURT**
16 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

17 THE MARY FERRELL FOUNDATION,
18 INC.; JOSIAH THOMPSON; and GARY
19 AGUILAR,

20 Plaintiffs,

21 v.

22 NATIONAL ARCHIVES AND RECORDS
23 ADMINISTRATION,

24 Defendant.

No. 3:22-cv-06176-RS

**STIPULATION AND ORDER TO
AMEND BRIEFING SCHEDULE
AND HEARING DATE AS
MODIFIED BY THE COURT**

Judge: Hon. Richard Seeborg

25 Pursuant to Civil Local Rule 6-2, Plaintiffs, the Mary Ferrell Foundation, Inc., Josiah
26 Thompson, and Gary Aguilar, and Defendant, the National Archives and Records Administration

1 (“NARA”), submit this stipulated request for the Court to amend the briefing schedule for
2 Defendant’s Motion for Partial Summary Judgment, which is set for hearing on January 9, 2025.

3 In support of their request, the parties state as follows:

4 1. On October 18, 2024, Defendant filed a Partial Motion for Summary Judgment,
5 ECF No. 117. Pursuant to a previous stipulation, the parties’ briefs are due November 8,
6 November 22, and December 6, 2024. ECF No. 119. The hearing is currently set for hearing for
7 January 9, 2025 at 1:30 p.m.

8 2. Undersigned counsel for Plaintiffs has oral argument scheduled in this matter in the
9 Ninth Circuit on November 13, 2024, which has complicated preparation for the briefing due on
10 November 8, 2024 in this case. Plaintiffs now respectfully request, with Defendant’s consent, that
11 the Court order an amended briefing and hearing schedule, which would conclude by February 6,
12 2025, well before the proposed February 27 hearing date.

13 3. The proposed amended briefing schedule on (1) Defendants’ Motion for Partial
14 Summary Judgment, ECF No. 117; and (2) Plaintiffs’ proposed Cross-Motion for Partial Summary
15 Judgment, would be **AMENDED** as follows: Plaintiffs’ opposition is due on January 9, 2025;
16 Plaintiffs’ cross-motion is due on January 9, 2025, and may be combined at the option of the
17 Plaintiffs, not to exceed 50 pages for the two briefs; Defendant’s combined opposition and reply
18 briefs are due on January 23, 2025, not to exceed 40 pages; Plaintiffs’ reply brief is due on February
19 6, 2025. The parties propose that the hearing on both motions be set for February 27, 2025 at 1:30
20 p.m. To conserve the Court’s and the parties’ resources and to maximize efficiency, the parties
21 also propose that the Case Management Conference, currently set for January 9, 2025 at 10:00
22 a.m. be continued to February 27, 2025 at 1:30 p.m. so that it can be held concurrently with the
23 hearing on the parties’ cross-motions.

24 4. Previously in this case, the Court has modified Defendants’ time to respond to the
25 Second Amended Complaint and the Third Amended Complaint, has continued the Case
26 Management Conference to allow for the pleadings to be settled, and has entered the briefing
27 schedule referenced above.

1 For all of these reasons, the parties respectfully request that the Court grant their stipulated
2 request. A proposed order is attached.

3
4 Dated: November 6, 2024

Respectfully submitted,

5 BRIAN M. BOYNTON
Principal Deputy Assistant Attorney General

6 ELIZABETH J. SHAPIRO
7 Deputy Branch Director

8 /s/ M. Andrew Zee
9 M. ANDREW ZEE (CA Bar No. 272510)
10 JOHN ROBINSON (DC Bar No. 1044072)
Trial Attorneys
11 Civil Division, Federal Programs Branch
U.S. Department of Justice
12 450 Golden Gate Avenue, Room 7-5395
San Francisco, CA 94102
13 Telephone: (415) 436-6646
E-mail: m.andrew.zee@usdoj.gov

14 *Attorneys for Defendant*

15
16 /s/ William M. Simpich
Attorney at Law
17 528 Grand Avenue
Oakland, CA 94610
18 415-542-6809
bsimpich@gmail.com

19
20 Lawrence P. Schnapf*
55 E. 87th Street #8b
21 New York, NY 10128
917-576-3667
22 larry@schnapflaw.com
*Admitted *pro hac vice*

23
24 *Attorneys for Plaintiff*

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26 **ATTESTATION**

1 Pursuant to Local Rule 5-1(i)(3), I attest that I am the ECF user whose user ID and
2 password are being used in the electronic filing of this document, and further attest that I have
3 obtained the concurrence in the filing of the document from the other signatory.

4
5 /s/ William M. Simpich
6 WILLIAM M. SIMPICH

7
8 **SCHEDULING ORDER**

9 Upon stipulation of the parties, and good cause appearing, the Court hereby orders that the
10 briefing and hearing schedule on (1) Defendants' Motion for Partial Summary Judgment, ECF No.
11 117; and (2) Plaintiffs' proposed Cross-Motion for Partial Summary Judgment, is **AMENDED** as
12 follows: Plaintiffs' opposition is due on January 9, 2025; Plaintiffs' cross-motion is due on
13 January 9, 2025, and may be combined at the option of the Plaintiffs, not to exceed 50 pages for
14 the two briefs; Defendant's combined opposition and reply briefs are due on January 23, 2025, not
15 to exceed 40 pages; Plaintiffs' reply brief is due on February 6, 2025. A hearing on both motions
16 is set for February 27, 2025 at 1:30 p.m. The Case Management Conference, currently set for
17 January 9, 2025 at 10:00 a.m., is continued to March 20, 2025 at 10:00 am.

18 PURSUANT TO STIPULATION, IT IS SO ORDERED.

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21 Dated: November 7, 2024

22 
23 RICHARD SEEBORG
24 United States District Judge