

1 TONY WEST  
Assistant Attorney General

2 JOHN TYLER  
3 Assistant Director, Federal Programs Branch

4 MARCIA BERMAN (PA Bar No. 66168)  
Senior Counsel, U.S. Department of Justice  
5 Civil Division, Federal Programs Branch  
20 Massachusetts Ave., N.W., Room 7132  
6 Washington, D.C. 20530  
Telephone: (202) 514-2205  
7 Facsimile: (202) 616-8470  
Email: marcia.berman@usdoj.gov  
8 *Attorneys for Defendants*

9  
10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12 SAN FRANCISCO  
13

14 \_\_\_\_\_ ) Nos. 08-2997, 08-1023 JSW  
ELECTRONIC FRONTIER FOUNDATION, )  
15 Plaintiff, ) **STIPULATION TO VACATE**  
16 ) **CASE MANAGEMENT**  
v. ) **CONFERENCE**  
17 )  
OFFICE OF THE DIRECTOR OF NATIONAL )  
18 INTELLIGENCE and UNITED STATES )  
DEPARTMENT OF JUSTICE )  
19 Defendants, )  
20 \_\_\_\_\_ )

21 THE PARTIES HEREBY STIPULATE, pursuant to Local Rules 6-1(b), 6-2, and 7-12,  
22 that the Case Management Conference currently set for September 10, 2010, shall be vacated. In  
23 support of this stipulation, the parties state the following:

- 24 1. On July 14, 2010, the parties informed the Court that they were actively engaged  
25 in settlement negotiations and requested that the Court continue the Case  
26

27 Stipulation to Vacate Case Management Conference , Case Nos. 08-2997, 08-1023 (JSW)  
28

1 Management Conference previously scheduled for July 23, 2010, to September  
2 10, 2010.

3 2. On September 1, 2010, the parties entered into a Settlement Agreement in these  
4 consolidated cases. The Settlement Agreement provides that defendants shall  
5 make a payment to plaintiff EFF for attorneys' fees, expenses, and costs within 60  
6 days of the date of the Agreement and that the parties will jointly stipulate to  
7 dismiss these consolidated cases with prejudice.

8 3. Accordingly, there is no need for the Case Management Conference. A  
9 stipulation for dismissal will be filed after EFF receives its payment.

10  
11 Dated: Sept. 3, 2010

Respectfully submitted,

12 TONY WEST  
13 Assistant Attorney General

14 JOHN TYLER  
Assistant Director, Federal Programs Branch

15 /s/ Marcia Berman  
16 MARCIA BERMAN (PA Bar No. 66168)  
17 Senior Counsel, U.S. Department of Justice  
18 Civil Division, Federal Programs Branch  
19 20 Massachusetts Ave., N.W., Room 7132  
20 Washington, D.C. 20530  
21 Telephone: (202) 514-2205  
22 Facsimile: (202) 616-8470  
23 E-mail: marcia.berman@usdoj.gov

24 *Attorneys for Defendants*

25 David L. Sobel (*pro hac vice*)  
26 ELECTRONIC FRONTIER FOUNDATION  
27 1875 Connecticut Ave. NW  
28 Suite 650  
Washington, DC 20009  
Telephone: (202) 797-9009 x104  
Facsimile: (202) 707-9066

/s/ Marcia Hofmann  
Cindy Cohn, Esq.

Stipulation to Vacate Case Management Conference , Case Nos. 08-2997, 08-1023 (JSW)

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Kurt Opsahl, Esq.  
Marcia Hofmann, Esq.  
ELECTRONIC FRONTIER FOUNDATION  
454 Shotwell Street  
San Francisco, CA 94110  
Telephone: (415) 436-9333  
Facsimile: (415) 436-9993

*Attorneys for Plaintiff*

**GENERAL ORDER NO. 45(X) CERTIFICATION**

I attest that I have obtained Marcia Hofmann's concurrence in the filing of this document.

/s/ Marcia Berman

MARCIA BERMAN

PURSUANT TO STIPULATION, IT IS ORDERED that the Case Management Conference scheduled for September 10, 2010, is vacated.

DATED: \_\_\_\_\_

\_\_\_\_\_  
Honorable Jeffrey S. White  
United States District Judge

