

1 Marcia Hofmann (SBN 250087)
marcia@eff.org
2 ELECTRONIC FRONTIER FOUNDATION
454 Shotwell Street
3 San Francisco, CA 94110
Telephone: (415) 436-9333
4 Facsimile: (415) 436-9993

5 David L. Sobel (*pro hac vice pending*)
sobel@eff.org
6 ELECTRONIC FRONTIER FOUNDATION
1875 Connecticut Ave. NW
7 Suite 650
Washington, DC 20009
8 Telephone: (202) 797-9009 x104
Facsimile: (202) 707-9066

9 Attorneys for Plaintiff
10 ELECTRONIC FRONTIER FOUNDATION

11
12 **UNITED STATES DISTRICT COURT**
13 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
14 **SAN FRANCISCO DIVISION**

15 ELECTRONIC FRONTIER FOUNDATION,) NO. 08-1023 JSW
16)
16 Plaintiff,) **[PROPOSED] ORDER GRANTING**
17) **PLAINTIFF’S AMENDED**
17 v.) **APPLICATION TO SHORTEN TIME**
18) **FOR A HEARING ON PLAINTIFF’S**
18 OFFICE OF THE DIRECTOR OF NATIONAL) **MOTION FOR A PRELIMINARY**
19 INTELLIGENCE) **INJUNCTION**
20)
20 and)
21 DEPARTMENT OF JUSTICE,) Date: TBD
21) Time: TBD
22) Courtroom: 2, 17th Floor
22 Defendants.) Judge: Hon. Jeffrey S. White
23)

24 Before the Court is the plaintiff’s Amended Application to Shorten Time For a Hearing on
25 Plaintiff’s Motion for a Preliminary Injunction. This Court, having considered the amended
26 application, the defendants’ response, and the entire record, hereby grants the amended application.

27 Pursuant to Federal Rule of Civil Procedure 6(d) and Local Rule 6-3, the Court has the
28

1 discretion to shorten the time for hearing a motion. *See, e.g., United States v. Fitch*, 472 F.2d 548,
2 549 n. 5 (9th Cir. 1973), *cert. denied*, 410 U.S. 914 (1973). The plaintiff's Motion for a
3 Preliminary Injunction seeks to compel the defendants to process government records
4 expeditiously under the Freedom of Information Act ("FOIA") because the information requested
5 by the plaintiff involves a matter about which there is an "urgency to inform the public about actual
6 or alleged [f]ederal [g]overnment activity," and are sought by "a person primarily engaged in
7 disseminating information." 5 U.S.C. § 552(a)(6)(E)(v)(II), 32 C.F.R. § 1700.12(c)(2), and 28
8 C.F.R. § 16.5(d)(1)(ii). The defendants have conceded that the requests satisfy this statutory
9 standard and the agencies' own implementing regulations, and are therefore legally entitled to be
10 processed in an expedited manner. Regardless, the agencies have to date neither processed the
11 requests, nor informed the plaintiff of an anticipated date for completion of processing.
12

13
14 Under the statutory scheme Congress established in the FOIA, it is clear that the plaintiff's
15 rights and the defendants' obligations are based upon timeliness. The plaintiff has been unable to
16 negotiate a processing schedule with the defendants, and the defendants will not be unduly
17 prejudiced by the accelerated briefing schedule the plaintiff seeks.

18 **IT IS HEREBY ORDERED:**

19 The hearing on the plaintiff's Motion for a Preliminary Injunction is scheduled for April 4,
20 2008. The moving papers for that motion have already been filed and served on the defendants.

21 Defendants' opposition shall be filed no later than March 21, 2008.

22 Plaintiff's reply shall be filed no later than March 26, 2008.

23 * * *

24 **ORDER**

25 IT IS SO ORDERED.

26 DATED: _____