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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)	
17	Plaintiff,	)	[PROPOSED] ORDER GRANTING
18	v.	)	PLAINTIFF'S AMENDED
19	OFFICE OF THE DIRECTOR OF NATIONAL	)	APPLICATION TO SHORTEN TIME
20	INTELLIGENCE	)	FOR A HEARING ON PLAINTIFF'S
21		)	MOTION FOR A PRELIMINARY
22	and	)	INJUNCTION
23)	
24	DEPARTMENT OF JUSTICE,	)	Date: TBD
25		)	Time: TBD
26	Defendants.	)	Courtroom: 2, 17th Floor
27		)	Judge: Hon. Jeffrey S. White
28)	

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
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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.
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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 ¹⁸~~21~~, 2008.

22 Plaintiff's reply shall be filed no later than March ²⁵~~26~~, 2008.

23 * * *

24 **ORDER**

25 IT IS SO ORDERED.

26 DATED: March 13, 2008

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