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18 UNITED STATES DISTRICT COURT  
 19 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
 20 OAKLAND DIVISION

21 CAROLYN JEWEL, TASH HEPTING, )  
 )  
 22 YOUNG BOON HICKS, as executrix of the )  
 )  
 23 estate of GREGORY HICKS, ERIK KNUTZEN )  
 )  
 and JOICE WALTON, on behalf of themselves )  
 )  
 and all others similarly situated, )  
 )  
 24 Plaintiffs, )  
 )  
 25 v. )  
 )  
 26 NATIONAL SECURITY AGENCY, *et al.*, )  
 )  
 27 Defendants. )  
 )

CASE NO. 08-CV-4373-JSW

**JOINT REQUEST FOR A CASE MANAGEMENT CONFERENCE**

Courtroom 11, 19th Floor  
The Honorable Jeffrey S. White

1 **I. Introduction**

2 Pursuant to N.D. Cal. Local Rule 16-10(c), plaintiffs and the Government Defendants  
3 hereby request that the Court schedule a case management conference, for consideration of a  
4 proposed case management order prepared by the parties in accordance with Local Rules 16-9 and  
5 16-10(d). A case management conference, followed by adoption of a case management order, will  
6 establish a framework that ensures the case continues moving forward.<sup>1</sup>

7 **II. Status Of The Case**

8 Plaintiffs filed their complaint on September 18, 2008. Pursuant to the Court's instruction,  
9 *see* ECF Nos. 153, 156, the parties submitted a case management statement and proposed order on  
10 September 20, 2013, ECF No. 159, and the Court held a case management conference on  
11 September 27, 2013. *See* ECF Nos. 160, 161. The Court did not enter a case management order at  
12 that time.

13 Plaintiffs served discovery requests on the Government Defendants on June 17, 2016. The  
14 Government Defendants served their objections and responses to plaintiffs' discovery on  
15 September 1, 2016.

16 In accordance with the Court's Civil Standing Order, ¶ 8, the parties filed a joint letter brief  
17 on December 19, 2016, in which they set forth their respective positions on the disputed discovery  
18 issues. ECF No. 341.

19 The Government Defendants filed their answer to the complaint on February 6, 2017. ECF  
20 No. 343.

21 To date, no case management order under Federal Rule of Civil Procedure 16(b) has been  
22 entered in the case.

23 **III. A Case Management Conference, and Entry of a Case Management Order, Will  
24 Advance The Progress Of The Litigation**

25 The utility of regular case management conferences for insuring the timely progress of  
26 litigation is well recognized, as reflected in the express provisions of Local Rule 16(c) (providing

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27 <sup>1</sup> Counsel for the individual defendants, James Whitman, has been informed of this request  
28 and states that the individual defendants do not oppose it.

1 for “subsequent case management conferences” following the initial conference). Holding a case  
2 management conference for the purpose of considering an updated case management statement and  
3 proposed order submitted by the parties will permit the Court and the parties to set a schedule in  
4 accordance with Federal Rule of Civil Procedure Rule 16(b). It will also allow the Court and  
5 parties to address the other issues identified in the Northern District’s Standing Order on Joint Case  
6 Management Statements, and, through adoption of a case management order, to set the case on a  
7 path towards final and timely resolution. *See* Order Granting Motion to Lift Stay of Discovery,  
8 ECF No. 340, at 2 (noting the “explicit admonition from the Ninth Circuit Court of Appeals to  
9 advance this matter”).

10 Subject to the Court’s availability, the parties respectfully suggest the following dates for a  
11 further case management conference: April 21, April 28, May 5, or May 19, 2017. Pursuant to  
12 Local Rule 16-10(d), once a further case management conference is scheduled, the parties will  
13 meet and confer and will prepare and file a joint case management statement and proposed order  
14 seven days before the date of the case management conference.

15  
16 DATE: March 15, 2017

Respectfully submitted,

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18 **COUNSEL FOR PLAINTIFFS:**

**COUNSEL FOR THE GOVERNMENT  
DEFENDANTS:**

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20 Richard R. Wiebe

s/ James J. Gilligan  
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**CIVIL L.R. 5-1 CERTIFICATION**

I attest that I have obtained the concurrence of James Gilligan (counsel for the Government Defendants) in the filing of this document.

/s/ Richard R. Wiebe

RICHARD R. WIEBE