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16 UNITED STATES DISTRICT COURT
17 NORTHERN DISTRICT OF CALIFORNIA
18 OAKLAND DIVISION

19 CAROLYN JEWEL, TASH HEPTING,
20 YOUNG BOON HICKS, as executrix of the
estate of GREGORY HICKS, ERIK
21 KNUTZEN and JOICE WALTON, on
behalf of themselves and all other similarly
22 situated,

23 Plaintiffs,

24 v.

25 NATIONAL SECURITY AGENCY, et al.,

26 Defendants.

Case No. 08-cv-04373-JSW

**STIPULATION AND ~~PROPOSED~~
ORDER GRANTING AN EXTENSION
OF TIME**

Judge: Hon. Jeffrey S. White

Date Filed: September 18, 2008

Trial Date: Not Yet Set

1 Pursuant to Civil Local Rule 6-2, Plaintiffs request and the parties hereby stipulate that
 2 Plaintiffs' deadline to respond to the Government Defendants'¹ Administrative Motion for a
 3 Second Extension of Time to Respond to Plaintiffs' Discovery Requests on Standing, ECF No.
 4 379, be extended from October 10, 2017 to October 12, 2017.

5 **RECITALS**

6 1. At the May 19, 2017 case management conference, the Court ordered the
 7 Government Defendants to respond to Plaintiffs' discovery requests regarding standing, and to
 8 produce all standing-related information in the Government' possession, by August 9, 2017. *See*
 9 Civil Min. Order, ECF No. 356. On August 9, 2017, the parties stipulated to extend the
 10 Government Defendants' deadline to Friday, October 6, 2017. ECF No. 377. Pursuant to that
 11 stipulation, the Court extended the Government Defendants' deadline to October 6, 2017. ECF
 12 No. 378.

13 2. On October 4, 2017, the Government Defendants filed an administrative motion
 14 and proposed order requesting that the Court vacate the Government Defendants' deadline to
 15 respond to Plaintiffs' discovery requests and the Court's order to produce all standing-related
 16 information. ECF No. 379. The Government Defendants further requested that, in lieu of a
 17 discovery deadline, they be required to file a status report within 60 days setting forth (i) their
 18 progress in responding to Plaintiffs' discovery requests and in assembling evidence relevant to
 19 standing, (ii) an estimate, if reasonably calculable, of the additional time needed to complete their
 20 responses, (iii) an update on the National Security Agency's ("NSA's") efforts to recover deleted
 21 data containing the contents of online communications acquired under the President's
 22 Surveillance Program, and (iv) an update on the NSA's inquiries into the circumstances
 23 surrounding the deletion of the data, and the basis for the NSA's representations to this Court
 24 concerning the preservation of the now-deleted data.
 25

26 ¹ The Government Defendants are the National Security Agency (NSA); the Department of
 27 Justice; the United States of America; Donald J. Trump, in his official capacity as President of the
 28 United States; Daniel Coats, in his official capacity as Director of National Intelligence; Admiral
 Michael S. Rogers, in his official capacity as Director of the NSA; and Jefferson B. Sessions, III,
 in his official capacity as Attorney General of the United States.

1 DATED: October 9, 2017

Respectfully submitted,

2 **COUNSEL FOR PLAINTIFFS:**

**COUNSEL FOR THE GOVERNMENT
DEFENDANTS**

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4
5 */s/ Philip J. Tassin*

/s/ Rodney Patton

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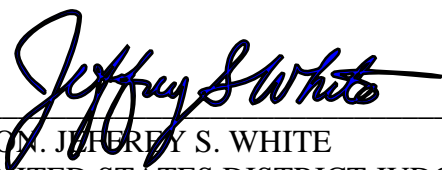
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~~[PROPOSED]~~ ORDER

Pursuant to the foregoing Stipulation, and good cause appearing, the Court hereby extends Plaintiffs' deadline to respond to the Government Defendants' Administrative Motion for a Second Extension of Time to Respond to Plaintiffs' Discovery Requests on Standing, ECF No. 379, from October 10, 2017 to October 12, 2017.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: October 10, 2017



HON. JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE