

The Honorable James L. Robart

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MICROSOFT CORPORATION,

Plaintiff,

v.

THE UNITED STATES DEPARTMENT OF
JUSTICE, and LORETTA LYNCH, in her
official capacity as Attorney General of the
United States,

Defendants.

No. 16-cv-00538 - JLR

STIPULATION AND ORDER FOR
AMENDED COMPLAINT AND
BRIEFING SCHEDULE ON
MOTION TO DISMISS

Noted for Consideration:
June 13, 2016

STIPULATION

Plaintiff Microsoft Corporation (“Microsoft”) and defendants The United States Department of Justice and Loretta Lynch, in her official capacity as Attorney General (collectively, “Federal Defendants”), by and through their attorneys of record, stipulate to the Court’s entry of the proposed Order set forth below, setting a date for a response to an Amended Complaint and establishing a briefing schedule for any Motion to Dismiss that Amended Complaint.

In support of this request, the parties represent the following to the Court:

1. Microsoft filed this action on April 14, 2016. Based on Microsoft’s service of the Summons and Complaint on April 15, 2016, the Federal Defendants’ response to Microsoft’s Complaint is due on or before June 14, 2016.

1 2. Microsoft has advised the Federal Defendants that it intends to file an Amended
2 Complaint on or before June 17, 2016. Pursuant to Fed. R. Civ. P. 15(a) and this Stipulation,
3 such amendment is proper. The parties further agree that, in light of the imminence of the
4 Amended Complaint, the Federal Defendants need not respond to the initial Complaint.

5 3. The Federal Defendants have represented to Microsoft that they may wish to
6 respond to the Amended Complaint by filing a Motion to Dismiss pursuant to Fed. R. Civ. P.
7 12. Because of other professional commitments, counsel for the Federal Defendants have
8 requested that they have until July 22, 2016, to respond to the Amended Complaint. Subject to
9 the Court's approval, Microsoft stipulates and agrees to this request.

10 4. In the ordinary course, the opposition to a motion filed on July 22, 2016, would
11 be due on August 15, 2016. Because of summer travel schedules, Microsoft's counsel have
12 requested that they have until August 26, 2016, to file an opposition to any Motion to Dismiss.
13 Subject to the Court's approval, the Federal Defendants stipulate and agree to this request.

14 5. Microsoft believes that some persons, entities, or organizations may seek leave
15 to file amicus curiae briefs in connection with any Motion to Dismiss. Having conferred about
16 this prospect, the parties stipulate and agree that, subject to the Court's approval, any potential
17 amici should seek leave from the Court to file a brief by September 2, 2016, i.e., by one week
18 after the filing of Microsoft's opposition to any motion to dismiss. The parties take no position
19 at this time as to whether the Court should grant leave to any proposed amicus curiae.

20 6. The Federal Defendants have requested until September 23, 2016, to file a reply
21 in support of any motion to dismiss. Subject to the Court's approval, Microsoft stipulates and
22 agrees to this request.

23 7. The parties therefore jointly request entry of the proposed Order set forth below,
24 establishing the foregoing as the schedule for responding to the Amended Complaint and for
25 briefing on any Motion to Dismiss the Federal Defendants may file.
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1 DATED this 13th day of June, 2016.

2 Davis Wright Tremaine LLP
3 Attorneys for Microsoft Corporation

4 By s/ Stephen M. Rummage

5 Stephen M. Rummage, WSBA #11168
6 Ambika K. Doran, WSBA #38237
7 1201 Third Avenue, Suite 2200
8 Seattle, WA 98101-3045
9 Phone: 206-622-3150, Fax: 206-757-7700
10 E-mail: steverummage@dwt.com
11 E-mail: ambikadoran@dwt.com

12 Laura Handman*
13 Davis Wright Tremaine LLP
14 1919 Pennsylvania Ave NW #800,
15 Washington, DC 20006
16 Telephone: (202) 973-4200
17 Fax: (202) 973-4429
18 E-mail: laurahandman@dwt.com

19 James M. Garland*
20 Alexander A. Berengaut*
21 Katharine R. Goodloe*
22 Covington and Burling LLP
23 One CityCenter
24 850 10th St., N.W.
25 Washington, DC 20001
26 Tel: (202) 662-6000
27 Fax: (202) 662-6291
Email: jgarland@cov.com,
aberengaut@cov.com, kgoodloe@cov.com

Bradford L. Smith
David M. Howard
Jonathan Palmer
Microsoft Corporation
One Microsoft Way
Redmond, WA 98052

* Admitted pro hac vice

Attorneys for Microsoft Corporation

BENJAMIN C. MIZER
Principal Deputy Assistant Attorney General
ANNETTE L. HAYES
United States Attorney
KERRY J. KEEFE
Civil Chief, Assistant United States Attorney
ANTHONY J. COPPOLINO
Deputy Director, Federal Programs Branch

By s/ Eric J. Soskin
Eric J. Soskin, PA Bar #200663
Jennie Kneeder, DC Bar #500261
U.S. Department of Justice
Civil Division, Federal Programs Branch
P.O. Box 883
Washington, D.C. 20044
Tel: (202) 353-0533
Fax: (202) 616-8470
Email: Eric.Soskin@usdoj.gov
Email: jennie.l.kneeder@usdoj.gov

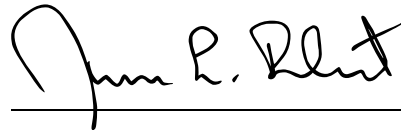
Attorneys for Federal Defendants

ORDER

Based on the foregoing Stipulation, the Court ORDERS that the parties shall adhere to the response and briefing schedule set forth above.

IT IS SO ORDERED.

DATED this 14th day of June, 2016.



JAMES L. ROBART
United States District Judge

Presented by:

Davis Wright Tremaine LLP
Attorneys for Microsoft Corporation

By s/ Stephen M. Rummage
Stephen M. Rummage, WSBA #11168
Ambika K. Doran, WSBA #38237
1201 Third Avenue, Suite 2200
Seattle, Washington 98101-3045
Telephone: (206) 622-3150
Fax: (206) 757-7700
E-mail: steverummage@dwt.com

ambikadoran@dwt.com

CERTIFICATE OF SERVICE

I hereby certify that on June 14, 2016, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of the filing to counsel who have appeared in this action. In addition, I have caused the foregoing to be served on the following parties in the manner identified:

Stephen P. Wallace
1116 SHEFFER ROAD
APT F
AURORA, IL 60505
Phone: 847-826-8506

_____ U.S. Mail
_____ Hand Delivery
 X Overnight Mail
_____ Facsimile
_____ CM/ECF Notification

United States Attorney's Office
Western District of Washington
700 Stewart Street, Suite 5220
Seattle, WA 98101

_____ U.S. Mail
_____ Hand Delivery
 X Overnight Mail
_____ Facsimile
_____ CM/ECF Notification

DATED this 13th day of June, 2016.

s/ Stephen M. Rummage
Stephen M. Rummage