

STIPULATION

Pursuant to United States District Court, Northern District of California Local Rules 6-1, 6-2, 7-11, and 7-12, Plaintiffs U.S. WeChat Users Alliance (“USWUA”), Chihuo, Inc., Brent Coulter, Fangyi Duan, Jinneng Bao, Elaine Peng, and Xiao Zhang (collectively, “Plaintiffs”), and Defendants President Donald Trump and Secretary Wilbur Ross (collectively “Defendants”), hereby file this Stipulation to extend Defendants’ deadline to respond to the Amended Complaint, to set a briefing schedule for the anticipated motion, and to amend the page limits.

WHEREAS, the first Complaint in this matter, *see* ECF No. 1, was served on the U.S. Attorney’s Office on August 24, 2020, making Defendants’ response to the complaint due on or before October 23, 2020, *see* ECF No. 82;

WHEREAS, Defendants currently anticipate filing a motion to dismiss, or in the alternative for summary judgment, on the basis of an administrative record;

WHEREAS, under L.R. 7-3, memoranda in support of or opposition to motions are typically limited to 25 pages, and reply memoranda are typically limited to 15 pages under

WHEREAS, the parties anticipate the numerous, novel and complex issues presented merit lengthier briefing than that normally permitted under the local rules, and additional pages beyond the pages normally permitted under the local rules;

WHEREAS, counsel for the parties have conferred and agree that this stipulation is supported by good cause and not for purposes of delay;

THE PARTIES HEREBY STIPULATE AS FOLLOWS:

1. Defendants will produce the unclassified, non-privileged portions of the certified administrative record to counsel for the Plaintiffs on or before November 2, 2020. To the extent information covered by a protective order is included in the record, it will be included in the production.
2. Defendants’ deadline to respond to the Amended Complaint is extended such that Defendants will file a motion in response to the Complaint on or before November 16, 2020;

- 1 3. Defendants' memorandum will not exceed forty pages;
- 2 4. Plaintiffs will file their opposition to this motion on or before December 14, 2020;
- 3 5. Plaintiffs' memorandum will not exceed 40 pages;
- 4 6. If Plaintiffs elect to file a cross-motion, counsel for the parties will confer about the
- 5 effect on the briefing schedule, and attempt to reach agreement;
- 6 7. Defendants will file a reply in support of their motion on or before January 18, 2021.
- 7 8. Defendants' reply memorandum will not exceed 20 pages.

8
9 The parties further respectfully request that the Court set the proposed motion for
10 argument on a date thereafter convenient for the Court.

11
12
13 Dated: October 21, 2020

Respectfully submitted,

14 JEFFREY BOSSERT CLARK
15 Acting Assistant Attorney General

16 JOHN V. COGHLAN
17 Deputy Assistant Attorney General

18 ALEXANDER K. HAAS
19 Branch Director

20 DIANE KELLEHER
21 Assistant Branch Director

22 /s/ Amy E. Powell

SERENA M. ORLOFF

23 MICHAEL DREZNER

24 STUART J. ROBINSON

AMY POWELL

Attorneys

25 United States Department of Justice

26 Civil Division, Federal Programs Branch

27 Ben Franklin Station, P.O. Box No. 883

Washington, DC 20044

Phone: (202) 305-0167
Fax: (202) 616-8470
E-mail: serena.m.orloff@usdoj.gov

Counsel for Defendants

1
2
3
4
5 DATED: October 21, 2020

Respectfully submitted,

6 ROSEN BIEN GALVAN & GRUNFELD LLP

7
8 By: */s/ Michael W. Bien*

9 Michael W. Bien

10 Attorneys for Plaintiffs

ATTORNEY ATTESTATION

Pursuant to Civil Local Rule 5-1(i)(3), I, Amy Powell, hereby attest that concurrence in the filing of this document has been obtained from any other signatories indicated by a signature (/s/) within this e-filed document. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

October 21, 2020

/s/Amy E. Powell
AMY E. POWELL

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

~~PROPOSED~~ ORDER APPROVING STIPULATION

Pursuant to the above Stipulation, and on good cause shown,

IT IS HEREBY ORDERED that Defendants shall produce the unclassified, non-privileged portions of the administrative record to Plaintiffs on or before November 2, 2020.

IT IS FURTHER ORDERED that Defendants' anticipated Motion to Dismiss, not to exceed 40 pages, shall be filed on or before November 16, 2020; Plaintiffs' opposition, not to exceed 40 pages, shall be filed on or before December 14, 2020; and Defendants' reply memorandum, not to exceed 20 pages, will be filed on or before January 18, 2021.

IT IS FURTHER ORDERED that Defendants' motion will be heard on _____, 2021.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: October 23, 2020



Honorable Laurel Beeler
United States Magistrate Judge