

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, and an Amended Complaint on September 18, 2020, *see* ECF No. 49;

WHEREAS, the Court previously entered an Order on the parties’ stipulated briefing schedule for a Motion to Dismiss the First Amended Complaint, whereby the Motion to Dismiss, not to exceed 40 pages, would be filed on or before November 16, 2020; Plaintiffs’ opposition, not to exceed 40 pages, would be filed on or before December 14, 2020; and Defendants’ reply memorandum, not to exceed 20 pages, would be filed on or before January 18, 2021, *see* ECF No. 101;

WHEREAS, on December 7, 2020, while Defendants’ Motion to Dismiss was pending, Plaintiffs filed a Second Amended Complaint, *see* ECF No. 136, thus mooting the pending Motion to Dismiss, and making Defendants’ response to the Second Amended Complaint due December 21, 2020, *see* Fed. R. Civ. P. 15(a)(3);

WHEREAS, Defendants currently anticipate filing a Partial Motion to Dismiss the Second Amended Complaint;

WHEREAS, the filing of partial motion to dismiss ordinarily tolls the time to answer the remaining claims in a complaint;

WHEREAS, the parties anticipate the complex issues presented and the press of other business merit somewhat lengthier briefing than that normally permitted under the local rules,

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

3 THE PARTIES HEREBY STIPULATE AS FOLLOWS:

- 4 1. Defendants' deadline to respond to the Second Amended Complaint is extended such
5 that Defendants will file a motion in response to the Complaint on or before
6 December 23, 2020;
- 7 2. Any deadline for responding to claims not subject to the motion to dismiss is tolled
8 pending resolution of the motion;
- 9 3. Plaintiffs will file their opposition to this motion on or before February 1, 2021;
- 10 4. If Plaintiffs elect to file a cross-motion, counsel for the parties will confer about the
11 effect on the briefing schedule, and attempt to reach agreement;
- 12 5. Defendants will file a reply in support of their motion on or before February 15, 2021.

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14 The parties further respectfully request that the Court set the proposed motion for
15 argument on a date thereafter convenient for the Court.

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18 Dated: December 17, 2020

Respectfully submitted,

19 JEFFREY BOSSERT CLARK
20 Acting Assistant Attorney General

21 JOHN V. COGHLAN
22 Deputy Assistant Attorney General

23 ALEXANDER K. HAAS
24 Branch Director

25 DIANE KELLEHER
26 Assistant Branch Director

27 /s/ Amy E. Powell
28 SERENA M. ORLOFF

MICHAEL DREZNER
STUART J. ROBINSON
AMY POWELL
Attorneys
United States Department of Justice
Civil Division, Federal Programs Branch
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

DATED: December 17, 2020

Respectfully submitted,

ROSEN BIEN GALVAN & GRUNFELD LLP

By: */s/ Michael W. Bien*

Michael W. Bien

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.

December 17, 2020

/s/Amy E. Powell
AMY E. POWELL

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[PROPOSED] ORDER APPROVING STIPULATION

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

IT IS HEREBY ORDERED that Defendants’ anticipated Partial Motion to Dismiss shall be filed on or before December 23, 2020; Plaintiffs’ opposition shall be filed on or before February 1, 2021; and Defendants’ reply memorandum will be filed on or before February 15, 2021.

IT IS FURTHER ORDERED that any obligation to respond to the claims not subject to the Motion to Dismiss is tolled pending resolution of the motion.

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

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: _____

Honorable Laurel Beeler
United States Magistrate Judge