



**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 mooted 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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17  
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*

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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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2 **[~~PROPOSED~~] ORDER APPROVING STIPULATION**

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

4 IT IS HEREBY ORDERED that Defendants' anticipated Partial Motion to Dismiss shall  
5 be filed on or before December 23, 2020; Plaintiffs' opposition shall be filed on or before  
6 February 1, 2021; and Defendants' reply memorandum will be filed on or before February 15,  
7 2021.

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

10 IT IS FURTHER ORDERED that Defendants' motion will be heard on \_\_\_\_\_,  
11 2021.

12 PURSUANT TO STIPULATION, IT IS SO ORDERED.

13 Dated: December 18, 2020



14 \_\_\_\_\_  
15 Honorable Laurel Beeler  
16 United States Magistrate Judge  
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