

United States District Court
For the Northern District of California

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IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

No. C 09-00037 CW

VIETNAM VETERANS OF AMERICA; SWORDS
TO PLOWSHARES; VETERANS RIGHTS
ORGANIZATION; BRUCE PRICE; FRANKLIN
D. ROCHELLE; LARRY MEIROW; ERIC P.
MUTH; DAVID C. DUFRANE; TIM MICHAEL
JOSEPHS; and WILLIAM BLAZINSKI,
individually, on behalf of themselves
and all others similarly situated,

ORDER ON DEFENDANT
CENTRAL INTELLIGENCE
AGENCY'S MOTION FOR
JUDGMENT ON THE
PLEADINGS
(Docket No. 245)

Plaintiffs,

v.

CENTRAL INTELLIGENCE AGENCY; MICHAEL
J. MORRELL, Acting Director of
Central Intelligence; UNITED STATES
DEPARTMENT OF DEFENSE; DR. ROBERT M.
GATES, Secretary of Defense; UNITED
STATES DEPARTMENT OF THE ARMY; PETE
GEREN, United States Secretary of the
Army; UNITED STATES OF AMERICA; ERIC
H. HOLDER, Jr., Attorney General of
the United States; UNITED STATES
DEPARTMENT OF VETERANS AFFAIRS; and
ERIC K. SHINSEKI, UNITED STATES
SECRETARY OF VETERANS AFFAIRS.

Defendants.

Defendants Central Intelligence Agency and its Acting Director
Michael J. Morrell (collectively, the CIA) move for judgment on the
pleadings or, in the alternative, summary judgment. The CIA
noticed its motion for hearing on September 1, 2011 at 2:00 p.m.

The Court will consider the CIA's motion for judgment on the
pleadings. In ruling on the motion, the Court will review only
Plaintiffs' pleadings, which must be taken as true, and "documents
attached to the complaint, documents incorporated by reference in
the complaint, or matters of judicial notice." United States v.

1 Ritchie, 342 F.3d 903, 908 (9th Cir. 2003) (citations omitted).
2 The Court will not convert the motion to a motion for summary
3 judgment. The parties' most recent stipulation extending case
4 deadlines provides that all case-dispositive motions will be heard
5 on April 5, 2012 at 2:00 p.m. Docket No. 238, at 4:8.
6 Accordingly, any further case-dispositive motion by either side
7 will be heard on that date.

8 If the parties desire to have dispositive motions heard sooner
9 than April 5, 2012, they may file a stipulation setting an earlier
10 date. Alternatively, so long as it can present good cause, a party
11 may move to modify the case management scheduling order. Fed. R.
12 Civ. P. 16(b)(4).

13 IT IS SO ORDERED.

14 Dated: August 9, 2011



15 CLAUDIA WILKEN
16 United States District Judge
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