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14 UNITED STATES DISTRICT COURT
 15 NORTHERN DISTRICT OF CALIFORNIA
 16 OAKLAND DIVISION

17 VIETNAM VETERANS OF AMERICA, *et al.*,
 18 Plaintiffs,
 19 v.
 20 CENTRAL INTELLIGENCE AGENCY, *et al.*,
 21 Defendants.
 22

Case No. CV 09-0037-CW

**DEFENDANTS' RESPONSE TO
PLAINTIFFS' MOTION TO EXTEND
DISCOVERY OF CIA**

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MOTION TO EXTEND DISCOVERY OF CIA**

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2 On August 18, 2011, Plaintiffs, without conferring with counsel for the government, filed
3 a motion with the magistrate judge to “require that fact discovery be permitted to continue until
4 30 days following the CIA’s compliance with all outstanding discovery obligations, including any
5 discovery compelled by the Court’s resolution of Plaintiffs’ accompanying motion to compel.”
6 *See* Dkt. No. 260. With the following clarification, Defendants do not oppose this request, and
7 would be willing to enter into a stipulation with Plaintiffs to obviate the need of having Plaintiffs
8 properly refile their motion with the District Court and demonstrate good cause to amend the
9 scheduling order.

10 Although not entirely clear from Plaintiffs’ motion, it appears that Plaintiffs do not seek to
11 modify any other date contained in the pretrial scheduling order, such as the date for the
12 completion of fact discovery for any defendant other than the CIA, or the current date for the
13 exchange of expert discovery. In addition, it does not appear that Plaintiffs seek to amend the
14 portion of the current scheduling order that precludes “additional written discovery (including
15 requests for production, requests for admissions, and interrogatories)” against the CIA in the
16 absence of the parties’ agreement or a Court order after a showing of good cause. *See* Dkt. No.
17 237, ¶15. To the extent that understanding is correct, Defendants do not oppose Plaintiffs’
18 motion. To the extent Plaintiffs seek to modify other dates in the pretrial order, however, or seek
19 additional discovery beyond that which is the subject of the current outstanding discovery
20 dispute, Defendants oppose the motion because Plaintiffs have shown no justification for such a
21 request.

22 Dated: September 1, 2011

Respectfully submitted,

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/s/Joshua E. Gardner
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