

1 BENJAMIN C. MIZER  
 Principal Deputy Assistant Attorney General  
 2 BRIAN STRETCH  
 United States Attorney  
 3 ANTHONY J. COPPOLINO  
 Deputy Branch Director  
 4 SUSAN K. ULLMAN  
 District of Columbia Bar No. 426874  
 Senior Trial Counsel  
 Civil Division, Federal Programs Branch  
 U.S. Department of Justice  
 7 20 Massachusetts Ave., NW  
 Washington, D.C. 20530  
 Telephone: (202) 616-0680  
 8 Facsimile: (202) 616-8470  
 9 E-mail: susan.ullman@usdoj.gov

10 Attorneys for Defendants

11 *Counsel for Plaintiffs Listed on Signature Page*

12 UNITED STATES DISTRICT COURT  
 13 NORTHERN DISTRICT OF CALIFORNIA  
 14 OAKLAND DIVISION

15 VIETNAM VETERANS OF AMERICA, et al.,  
 16  
 Plaintiffs,  
 17  
 v.  
 18  
 CENTRAL INTELLIGENCE AGENCY, et al.,  
 19  
 Defendants.  
 20

Case No. CV 09-0037-CW (EDL)

21 **STIPULATION TO  
 ENLARGE INJUNCTION  
 SUBMISSION DEADLINES AND  
 22 ~~PROPOSED~~ ORDER**

23 Pursuant to Federal Rule of Civil Procedure 6(b)(1) and Civil Local Rule 6-2, the parties,  
 24 by and through undersigned counsel, hereby respectfully move to enlarge the Court’s medical  
 25 care injunction submission deadlines, as set forth below. In accordance with Civil L.R. 6-2(a),  
 26 this stipulation is supported by the Declaration of Susan Ullman (“Ullman Decl.”), filed  
 herewith, and is filed with the proposed order below.

1 On January 26, 2016, the Ninth Circuit issued an amended opinion that reversed the  
2 Court's denial of injunctive relief compelling the provision of medical care by the Army.  
3 See ECF No. 570. On February 8, 2016, the Court ordered the parties to meet and confer  
4 regarding the Ninth Circuit's opinion and to submit either a stipulated injunction by March 7,  
5 2016, or competing proposed injunctions along with a brief from each party supporting its  
6 respective proposal by March 14, 2016. See ECF No. 572. The parties promptly began the meet  
7 and confer process, but have sought extensions of the deadlines to submit injunctions in order to  
8 allow further time for the parties to attempt to fashion an appropriate injunction or to potentially  
9 resolve the case through a settlement, which the Court has granted. See ECF Nos. 575, 577, 579,  
10 581, 583.

11 The parties participated in a mediation on June 28, 2016, in the District of Columbia with  
12 mediator Thomas J. Perrelli. Ullman Decl. ¶ 2. The parties have worked through Mr. Perrelli  
13 since then and have scheduled another mediation session for October 28, 2016, and believe an  
14 extension of the Court's deadlines would facilitate the parties' efforts to potentially resolve the  
15 case through a joint proposed injunction or a settlement. *Id.* The parties anticipate that this will  
16 be their final request for an extension as to the injunction submission deadlines unless they reach  
17 an agreement in principle to settle the case. Accordingly, the parties jointly request an extension  
18 to the Court's injunction submission deadlines as follows, and submit that there is good cause for  
19 the requested enlargement of time.  
20

21 Extend the current deadline to submit a stipulated medical care injunction from:

22 October 11, 2016 to November 8, 2016;

23 Extend the current deadline to submit competing proposed injunctions and  
24 supporting briefs (if necessary) from October 18, 2016 to November 15, 2016.

25 There have been thirty-two previous time modifications in this case. Because the Court has not  
26 set any other deadlines in this case, the requested enlargements of time will not otherwise affect  
the case schedule.

1 Dated: October 17, 2016

Respectfully submitted,

2 BENJAMIN C. MIZER  
3 Principal Deputy Assistant Attorney General  
4 BRIAN STRETCH  
5 United States Attorney  
6 ANTHONY J. COPPOLINO  
7 Deputy Director, Federal Programs Branch

8 /s/ Ben Patterson

/s/ Susan K. Ullman

9 JAMES P. BENNETT (CA SBN 65179)

SUSAN K. ULLMAN

10 [JBennett@mofo.com](mailto:JBennett@mofo.com)

District of Columbia Bar No. 426874

11 STACEY M. SPRENKEL (CA SBN 241689)

Senior Trial Counsel

12 [SSprenkel@mofo.com](mailto:SSprenkel@mofo.com)

U.S. Department of Justice

13 BEN PATTERSON (CA SBN 268696)

Civil Division, Federal Programs Branch

14 [BPatterson@mofo.com](mailto:BPatterson@mofo.com)

20 Massachusetts Ave., NW

15 GRANT C. SCHRADER (CA SBN 273498)

Washington, D.C. 20530

16 [GSchrader@mofo.com](mailto:GSchrader@mofo.com)

Telephone: (202) 616-0680

17 MORRISON & FOERSTER LLP

Facsimile: (202) 616-8470

18 425 Market Street

E-mail: susan.ullman@usdoj.gov

19 San Francisco, California 94105-2482

20 Telephone: 415.268.7000

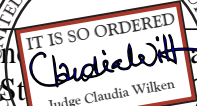

21 Facsimile: 415.268.7522

*Attorneys for Defendants*

22 *Attorneys for Plaintiffs*

1 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

2  
3 Dated: October 25, 2016

4 The Hon  Wilken  
5 United States Court  
6 for the Northern District of California  
 IT IS SO ORDERED  
Judge Claudia Wilken

**Attestation Pursuant to Civil Local Rule 5-1**

I, Susan K. Ullman, am the ECF User whose ID and password are being used to file this document. I hereby attest that Ben Patterson concurs in this filing.

Date: October 17, 2016

/s/ Susan K. Ullman  
Susan K. Ullman