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

15	CAROLYN JEWEL, <i>et al.</i> ,	)	Case No. 3:08-cv-04373-JSW
16		)	<b>STIPULATION AND [PROPOSED]</b>
17	Plaintiffs,	)	<b>ORDER TO CANCEL THE</b>
18	v.	)	<b>SCHEDULED HEARING ON</b>
19	NATIONAL SECURITY AGENCY, <i>et al.</i> ,	)	<b>PLAINTIFFS' RULE 54(B) MOTION</b>
20		)	<b>AND DECIDE THE MOTION ON THE</b>
	Defendants.	)	<b>PAPERS</b>
		)	Courtroom 5, 2nd Floor
		)	Judge Jeffrey S. White

21  
 22 Pursuant to Federal Rule of Civil Procedure 6(b)(1) and Local Civil Rule 6-2, the  
 23 Government Defendants request, and the parties, by and through their undersigned counsel,  
 24 hereby stipulate to and respectfully request that the Court cancel the currently scheduled hearing  
 25 on Plaintiffs' Rule 54(b) Motion and decide the motion on the papers submitted to the Court.  
 26 The basis for this request and for the parties' stipulation is as follows:  
 27  
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Stipulation and [Proposed] Order to Cancel the Scheduled Hearing on Plaintiffs' Rule 54(b) Motion and Decide the Motion on the Papers, *Jewel v. National Security Agency* (08-cv-4373-JSW)

- 1 1. On February 10, 2015, the Court issued an Order denying Plaintiffs' Motion for  
2 Partial Summary Judgment and Granting Defendants' Motion for Partial Summary  
3 Judgment, ECF No. 321.
- 4 2. On April 17, the same three Plaintiffs whose motion was the subject of the Court's  
5 February 10 ruling filed a Motion for Entry of Final Judgment on their Fourth  
6 Amendment Internet Content Interception Claim Pursuant to Federal Rule of Civil  
7 Procedure 54(b), ECF No. 323. In that motion, Plaintiffs asked the Court to set a  
8 hearing date of May 22.
- 9 3. The Government Defendants opposed the Rule 54(b) motion, ECF No. 324, and  
10 Plaintiffs filed a Reply in support of their motion, ECF No. 325, on May 8.
- 11 4. On May 14, 2015, counsel for the Government proposed to Plaintiffs' counsel a  
12 postponement of the hearing on the Rule 54(b) motion from May 22 until June 5 or  
13 June 12. The reasons for the requested postponement are as follows: Attendance by  
14 Government counsel at a hearing on May 22 would consume two days' time in cross-  
15 country travel at a time when counsel for the Government Defendants all have  
16 pressing business and deadlines approaching in other cases. Specifically, but not  
17 exclusively, the Government's counsel in this case now have (as of May 13) a May  
18 29 deadline for a motion to dismiss in another case involving NSA surveillance  
19 activities.
- 20 5. Counsel for Plaintiffs are eager to have their motion decided as soon as possible.  
21 Counsel for Plaintiffs also have a scheduling conflict with the Government's  
22 proposed June 5 hearing date and may also have a conflict with the other proposed  
23 date of June 12.
- 24 6. In the interests of accommodating all counsel's schedules in the coming weeks and to  
25 facilitate Plaintiffs' interest in having their Rule 54(b) motion decided expeditiously  
26 (rather than postponing any hearing until late June), the parties stipulate that, if the  
27 Court is agreeable, the May 22 hearing should be canceled and the Rule 54(b) motion  
28 decided on the papers that the parties have submitted.

Stipulation and [Proposed] Order to Cancel the Scheduled Hearing on Plaintiffs' Rule 54(b) Motion and Decide the Motion on the Papers, *Jewel v. National Security Agency* (08-cv-4373-JSW)

1 Dated: May 18, 2015

Respectfully Submitted,

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14 By: /s/ Rodney Patton

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28 Stipulation and [Proposed] Order to Cancel the Scheduled Hearing on Plaintiffs' Rule 54(b) Motion and Decide the Motion on the Papers, *Jewel v. National Security Agency* (08-cv-4373-JSW)

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\* \* \* \* \*

**DECLARATION PURSUANT TO LOCAL RULE 5-1**

I, Rodney Patton, hereby declare pursuant to Local Rule 5-1, that I have obtained Plaintiffs' concurrence in the filing of this document from Richard R. Wiebe, counsel for Plaintiffs.

Executed on May 18, 2015, in Washington, D.C.

/s/ Rodney Patton  
RODNEY PATTON

\* \* \* \* \*

PURSUANT TO STIPULATION, it is ORDERED that the May 22 hearing on Plaintiffs' Rule 54(b) is canceled and that the motion will be decided on the parties' written submissions.

**IT IS SO ORDERED.**

Dated: \_\_\_\_\_

\_\_\_\_\_  
The Hon. Jeffrey S. White  
United States District Judge

Stipulation and [Proposed] Order to Cancel the Scheduled Hearing on Plaintiffs' Rule 54(b) Motion and Decide the Motion on the Papers, *Jewel v. National Security Agency* (08-cv-4373-JSW)