

1 XAVIER BECERRA
 Attorney General of California
 2 JULIE WENG-GUTIERREZ
 Senior Assistant Attorney General
 3 KATHLEEN BOERGERS
 Supervising Deputy Attorney General
 4 NIMROD P. ELIAS, SBN 251634
 Deputy Attorney General
 5 455 Golden Gate Avenue, Suite 11000
 San Francisco, CA 94102-7004
 6 Telephone: (415) 703-5841
 Fax: (415) 703-5480
 7 E-mail: Nimrod.Elias@doj.ca.gov
 Attorneys for Plaintiff the State of California
 8 [Additional Counsel Listed on Signature Pages]

9
 10 IN THE UNITED STATES DISTRICT COURT
 11 FOR THE NORTHERN DISTRICT OF CALIFORNIA

12
 13 **THE STATE OF CALIFORNIA, et al.,**
 14 Plaintiffs,
 15 v.
 16 **DONALD J. TRUMP, President of the**
 17 **United States, et al.,**
 18 Defendants.

3:17-cv-05895-VC

**JOINT STIPULATION AND
 [PROPOSED] ORDER AMENDING
 BRIEFING SCHEDULE AND
 CONTINUING HEARING ON PARTIES'
 DISPOSITIVE CROSS-MOTIONS**

19
 20 Pursuant to Civil Local Rules 6-1, 6-2, and 7-12, the parties hereby jointly stipulate to the
 21 following request for an order continuing the briefing schedule and hearing date on the parties'
 22 dispositive cross-motions:

23 On January 9, 2018, the Court set the following briefing schedule:

24 Plaintiffs' brief #1: 4/20/2018 (30 pages)

25 Amicus brief in support of plaintiffs or for neither plaintiffs or defendants:
 26 4/27/2018 (15 pages)

27 Defendants' brief #1: 5/15/2018 (30 pages)

28 Amicus brief in support of defendants: 5/22/2018 (15 pages)

1 Plaintiffs' brief #2: 6/5/2018 (25 pages)

2 Defendants' brief #2: 6/26/2018 (20 pages)

3 Motion Hearing set for 7/11/2018 10:00 AM in Courtroom 4, 17th Floor,
4 San Francisco before Judge Vince Chhabria.

5 The parties hereby stipulate to, and request that the Court order, the following amended
6 briefing schedule:

7 Plaintiffs' brief #1: 7/20/2018 (30 pages)

8 Amicus brief in support of plaintiffs or for neither plaintiffs nor defendants:
9 7/27/2018 (15 pages)

10 Defendants' brief #1: 8/21/2018 (30 pages)

11 Amicus brief in support of defendants: 8/28/2018 (15 pages)

12 Plaintiffs' brief #2: 9/14/2018 (25 pages)

13 Defendants' brief #2: 10/5/2018 (20 pages)

14 Motion Hearing set for 10/18/2018 10:00 AM in Courtroom 4, 17th Floor,
15 San Francisco before Judge Vince Chhabria.

16 As set forth in the attached Declaration of Nimrod P. Elias, good cause exists for the
17 parties' joint request to amend the briefing schedule and continue the hearing date. The parties
18 believe that it is appropriate for the *House v. Azar* litigation to be resolved before litigation
19 proceeds in this case. As the parties informed the Court last month, the D.C Circuit ordered the
20 *House v. Azar* parties to file a supplemental brief explaining "what 'exceptional circumstances'
21 justify partial vacatur." Order, *U.S. House of Reps. v. Azar*, No. 16-5202, Doc. No. 1720517
22 (D.C. Cir. Mar. 5, 2018). The *House v. Azar* parties filed their supplemental brief with the D.C.
23 Circuit on April 11, 2018. The parties here believe that a further extension in this case is
24 warranted to ensure efficient use of the Court's resources and to prevent possible litigation of the
25 merits question in two different courts at the same time. Therefore, the parties respectfully
26 request that the briefing and hearing schedule be modified as outlined above.
27
28

1 Dated: April 16, 2018

Respectfully submitted,

2 XAVIER BECERRA
3 Attorney General of California
4 JULIE WENG-GUTIERREZ
5 Senior Assistant Attorney General

6 */s/ Nimrod P. Elias*

7 NIMROD P. ELIAS
8 Deputy Attorney General
9 *Attorneys for Plaintiff the State of California*

10 GEORGE JEPSEN
11 Attorney General of Connecticut
12 JOSEPH R. RUBIN
13 Associate Attorney General
14 ROBERT W. CLARK
15 Special Counsel to the Attorney General
16 *Attorneys for Plaintiff the State of*
17 *Connecticut*

18 MATTHEW P. DENN
19 Attorney General of Delaware
20 AARON R. GOLDSTEIN
21 State Solicitor
22 SARAH FISHMAN GONCHER
23 JOHN H. TAYLOR
24 Deputy Attorneys General
25 *Attorneys for Plaintiff the State of Delaware*

26 KARL A. RACINE
27 Attorney General for the District of
28 Columbia
ROBYN R. BENDER
Deputy Attorney General
VALERIE M. NANNERY
Assistant Attorney General
Attorneys for Plaintiff the District of
Columbia

LISA MADIGAN
Attorney General of Illinois
DAVID F. BUYSSE
Deputy Chief, Public Interest Division
Attorneys for Plaintiff the State of Illinois

THOMAS J. MILLER
Attorney General of Iowa
NATHAN BLAKE
Deputy Attorney General
Attorneys for Plaintiff the State of Iowa

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ANDY BESHEAR
Attorney General
Commonwealth of Kentucky
LA TASHA BUCKNER
Executive Director
Office of Civil and Environmental Law
S. TRAVIS MAYO
TAYLOR PAYNE
Assistant Attorneys General
Attorneys for Plaintiff the Commonwealth of Kentucky

BRIAN E. FROSH
Attorney General of Maryland
STEVEN M. SULLIVAN
Solicitor General
Attorneys for Plaintiff the State of Maryland

MAURA HEALEY
Attorney General of Massachusetts
ERIC GOLD
Assistant Attorney General
Attorneys for Plaintiff the Commonwealth of Massachusetts

LORI SWANSON
Attorney General of Minnesota
ALAN GILBERT
Solicitor General
JASON PLEGGENKUHLE
KATHERINE KELLY
Assistant Attorneys General
Attorneys for Plaintiff the State of Minnesota

HECTOR H. BALDERAS
Attorney General of New Mexico
TANIA MAESTAS
Chief Deputy Attorney General
Attorneys for Plaintiff the State of New Mexico

ERIC T. SCHNEIDERMAN
Attorney General of New York
BARBARA D. UNDERWOOD
Solicitor General
STEVEN C. WU
Deputy Solicitor General
HOWARD MASTER
Senior Enforcement Counsel
LISA LANDAU
Bureau Chief, Health Care Bureau
ERIC HAREN
Special Counsel and Senior Advisor
Attorneys for Plaintiff the State of New York

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

JOSHUA H. STEIN
Attorney General of North Carolina
RYAN Y. PARK
Deputy Solicitor General
SRIPRIYA NARASIMHAN
Deputy General Counsel
Attorneys for Plaintiff the State of North Carolina

ELLEN F. ROSENBLUM
Attorney General of Oregon
HENRY KANTOR
Special Counsel to the Attorney General
J. NICOLE DeFEVER
Assistant Attorney General
Attorneys for Plaintiff the State of Oregon

JOSH SHAPIRO
Attorney General of Pennsylvania
JONATHAN SCOTT GOLDMAN
Executive Deputy Attorney General
MICHAEL J. FISCHER
Chief Deputy Attorney General
PATRICK M. GREENE
Deputy Attorney General
Attorneys for Plaintiff the Commonwealth of Pennsylvania

PETER KILMARTIN
Attorney General of the State of Rhode Island
REBECCA TEDFORD PARTINGTON
Chief, Civil Division
MARIA R. LENZ
Special Assistant Attorney General
MICHAEL W. FIELD
Assistant Attorney General
Attorneys for Plaintiff the State of Rhode Island

THOMAS J. DONOVAN, JR.
Attorney General of Vermont
BENJAMIN D. BATTLES
Solicitor General
Attorneys for Plaintiff the State of Vermont

MARK R. HERRING
Attorney General of Virginia
MATTHEW R. MCGUIRE
Acting Deputy Solicitor General
Attorneys for Plaintiff the Commonwealth of Virginia

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ROBERT W. FERGUSON
Attorney General of Washington
JEFFREY T. SPRUNG
RENE D. TOMISSER
Assistant Attorneys General
*Attorneys for Plaintiff the State of
Washington*

CHAD A. READLER
Acting Assistant Attorney General
JAMES M. BURNHAM (Ill. Bar No.
6304648)
Senior Counsel
Civil Division, U.S. Department of Justice

CHRISTOPHER HALL
Assistant Branch Director

/s/ Joseph C. Dugan
STEVEN A. MYERS
JOSEPH C. DUGAN
Trial Attorneys
Civil Division, Federal Programs Branch
U.S. Department of Justice

Counsel for Defendants

LOCAL RULE 5-1(i) ATTESTATION

I attest that I have obtained Joseph Dugan's concurrence in the filing of this document.

/s/ Nimrod P. Elias

NIMROD P. ELIAS

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

[PROPOSED] ORDER

Pursuant to the parties’ stipulation, the Court hereby orders that the schedule for the parties’ dispositive cross-motions is amended as follows:

Plaintiffs’ brief #1: 7/20/2018 (30 pages)

Amicus brief in support of plaintiffs or for neither plaintiffs nor defendants:
7/27/2018 (15 pages)

Defendants’ brief #1: 8/21/2018 (30 pages)

Amicus brief in support of defendants: 8/28/2018 (15 pages)

Plaintiffs’ brief #2: 9/14/2018 (25 pages)

Defendants’ brief #2: 10/5/2018 (20 pages)

Motion Hearing set for 10/18/2018 10:00 AM in Courtroom 4, 17th Floor,
San Francisco before Judge Vince Chhabria.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: _____

Hon. Vincent Chhabria
United States District Judge

1 XAVIER BECERRA
 Attorney General of California
 2 JULIE WENG-GUTIERREZ
 Senior Assistant Attorney General
 3 KATHLEEN BOERGERS
 Supervising Deputy Attorney General
 4 NIMROD P. ELIAS
 Deputy Attorney General
 5 State Bar No. 251634
 455 Golden Gate Avenue, Suite 11000
 6 San Francisco, CA 94102-7004
 Telephone: (415) 703-5841
 7 Fax: (415) 703-5480
 E-mail: Nimrod.Elias@doj.ca.gov
 8 *Attorneys for Plaintiff the State of California*
[Additional Counsel Listed on Signature Pages]
 9

10 IN THE UNITED STATES DISTRICT COURT
 11 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 12

<p>13 THE STATE OF CALIFORNIA, et al., 14 Plaintiffs, 15 v. 16 DONALD J. TRUMP, President of the United States, et al., 17 Defendants. 18 19</p>	<p>3:17-cv-05895-VC DECLARATION OF NIMROD P. ELIAS ISO JOINT STIPULATION AMENDING THE BRIEFING SCHEDULE AND CONTINUING THE HEARING ON PARTIES' DISPOSITIVE CROSS- MOTIONS</p>
--	---

20
 21 I, Nimrod P. Elias, hereby declare as follows:

22 1. I am a Deputy Attorney General with the California Attorney General's Office, am
 23 licensed to practice law by the State of California, and am admitted to the United States District
 24 Court for the Northern District of California. I am an attorney of record in the above-captioned
 25 matter. The parties have agreed to amend the briefing schedule and continue the hearing on the
 26 parties' dispositive cross-motions. The current briefing and hearing schedule, established by the
 27 Court in January 2018, is as follows:

28 Plaintiffs' brief #1: 4/20/2018 (30 pages)

1 Amicus brief in support of plaintiffs or for neither plaintiffs or defendants:
4/27/2018 (15 pages)

2 Defendants' brief #1: 5/15/2018 (30 pages)

3 Amicus brief in support of defendants: 5/22/2018 (15 pages)

4 Plaintiffs' brief #2: 6/5/2018 (25 pages)

5 Defendants' brief #2: 6/26/2018 (20 pages)

6 Motion Hearing set for 7/11/2018 10:00 AM in Courtroom 4, 17th Floor,
7 San Francisco before Judge Vince Chhabria.

8 2. The parties have stipulated to the following amended briefing schedule:

9 Plaintiffs' brief #1: 7/20/2018 (30 pages)

10 Amicus brief in support of plaintiffs or for neither plaintiffs nor defendants:
7/27/2018 (15 pages)

11 Defendants' brief #1: 8/21/2018 (30 pages)

12 Amicus brief in support of defendants: 8/28/2018 (15 pages)

13 Plaintiffs' brief #2: 9/14/2018 (25 pages)

14 Defendants' brief #2: 10/5/2018 (20 pages)

15 Motion Hearing set for 10/18/2018 10:00 AM in Courtroom 4, 17th Floor,
16 San Francisco before Judge Vince Chhabria.

17 3. The parties believe that it is appropriate for the *House v. Azar* litigation to be resolved
18 before litigation proceeds in this case. As the parties informed the Court last month, the D.C
19 Circuit ordered the *House v. Azar* parties to file a supplemental brief explaining "what
20 'exceptional circumstances' justify partial vacatur." Order, *U.S. House of Reps. v. Azar*, No. 16-
21 5202, Doc. No. 1720517 (D.C. Cir. Mar. 5, 2018). The *House v. Azar* parties filed their
22 supplemental brief with the D.C. Circuit on April 11, 2018. The parties here believe that a further
23 extension in this case is warranted to ensure efficient use of the Court's resources and to prevent
24 possible litigation of the merits question in two different courts at the same time. Therefore, the
25 parties respectfully request that the briefing and hearing schedule be modified as outlined above.

26 I declare under penalty of perjury that to the best of my knowledge, the above is true and
27 correct. Executed on April 16, 2017, in San Francisco, California.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

/s/ Nimrod P. Elias

NIMROD P. ELIAS
Deputy Attorney General
*Attorney for Plaintiff the State of
California*

SF2017401709
41909780.docx