

1 BENJAMIN C. MIZER
 Principal Deputy Assistant Attorney General
 2 JOSEPH H. HUNT
 Director, Federal Programs Branch
 3 JACQUELINE COLEMAN SNEAD
 Assistant Branch Director
 4 JULIA BERMAN, CA. Bar No. 241415
 Trial Attorney
 5 U.S. Department of Justice, Civil Division
 20 Massachusetts Avenue, NW
 6 Washington, D.C. 20001
 Phone: (202) 616-8480; Fax: (202) 616-8470
 7 Email: julia.berman@usdoj.gov
 8 *Attorneys for the United States Postal Service*

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

)	
UNITED STATES POSTAL SERVICE,)	Case No. 16-cv-4815-WHA
)	
Plaintiff,)	
)	
v.)	
)	
CITY OF BERKELEY)	STIPULATED REQUEST
)	TO SET BRIEFING SCHEDULE
Defendant.)	ON DEFENDANT’S
)	MOTION TO DISMISS
)	No hearing scheduled

20
 21 Pursuant to Local Rule 6-2, the parties hereby respectfully request that the Court extend
 22 the deadlines for the response to, and reply in support of, Defendant’s Motion to Dismiss, ECF
 23 No. 11 (“the Defendant’s Motion”). Specifically, the parties respectfully request that the
 24 Plaintiff’s response be due on December 8, 2016, and that the Defendant’s reply be due on
 25 January 5, 2016. The parties also respectfully request that the hearing on the Defendant’s
 26 Motion be continued until January 26, 2016, or until a date thereafter that is convenient for the
 27 Court.

RECITALS

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2 1. On August 22, 2016, the Plaintiff filed its Complaint. *See* ECF No. 1.

3 2. The Defendant filed its Motion to Dismiss on October 27, 2016. *See* ECF No. 11.

4 3. The Plaintiff’s response to the Defendant’s Motion is currently due November 10,
5 2016.

6 4. The press of deadlines in other matters, including multiple deadlines related to
7 dispositive briefing in other cases, will render it difficult for undersigned counsel to prepare
8 Plaintiff’s response by that deadline.¹ Additionally, the upcoming federal holidays, including
9 Thanksgiving, likely will impact the coordination of the preparation and client review of the
10 Plaintiff’s response.

11 5. Accordingly, the Plaintiff has requested, and the Defendant has consented, to an
12 extension of the deadline for the Plaintiff’s response to the Defendant’s Motion until December
13 8, 2016.

14 6. The parties further respectfully request that the deadline for the Defendant’s reply
15 in support of its Motion be extended until January 5, 2017.

16 7. Finally, the parties also request a continuance of the hearing on the Defendant’s
17 Motion, currently noticed for December 1, 2016, until January 26, 2017.

18 8. The parties have not previously sought extensions of the above-listed deadlines,
19 and the requested extension will not affect other deadlines currently on the calendar in this case.²

20
21 **STIPULATION**

22 Pursuant to Local Rule 6-2, the parties hereby respectfully request that the deadline for
23 the Plaintiff’s response to the Defendant’s Motion be extended until December 8, 2016; that the

24 _____
25 ¹ Undersigned counsel for the Plaintiff had dispositive briefing due on November 3, and has
26 dispositive briefing due on November 10 (in addition to the instant case), and on November 15;
27 as well as a major factual submission due on November 21 and an argument in an unrelated case
28 on November 22.

² The parties do not seek to continue the case management conference currently scheduled for
December 1, 2016, in this matter.

1 deadline for Defendant’s reply in support of its Motion be extended until January 5, 2017; and
2 that the hearing on the Defendant’s Motion be continued until January 26, 2017 or a date
3 thereafter that is convenient for the Court.

4
5 Dated: November 3, 2016

Respectfully submitted,

6 /s/ Zach Cowan
7 ZACH COWAN
8 City Attorney (SBN 96372)
9 SAVITH IYENGAR
10 Deputy City Attorney (SBN 268342)
11 ZCowan@cityofberkeley.info
12 CITY OF BERKELEY
13 2180 Milvia Street, Fourth Floor
14 Berkeley, CA 94704
15 TEL.: (510) 981-6998
16 FAX: (510) 981-6960
17 Attorneys for Defendant
18 CITY OF BERKELEY

16 OF COUNSEL:

BENJAMIN C. MIZER
Principal Deputy Assistant Attorney General

17 JANINE CASTORINA
18 Attorney
19 Appellate and Commercial Litigation
20 United States Postal Service
21 475 L’Enfant Plaza, SW
22 Washington, DC, 20260
23 Phone: (202) 268-3069
24 Fax: (202) 268-2049
25 E-mail: Janine.Castorina@usps.gov

JOSEPH H. HUNT
Branch Director

JACQUELINE COLEMAN SNEAD
Assistant Branch Director

23 /s/ Julia Berman*
24 JULIA A. BERMAN, Bar No. 241415
25 United States Department of Justice
26 Civil Division, Federal Programs Branch
27 20 Massachusetts Avenue, N.W.
28 Washington, D.C. 20001
Tel: (202) 616-8480
Fax: (202) 616-8470
Email: julia.berman@usdoj.gov

Counsel for Plaintiff

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*Pursuant to Local Civil Rule 5-1(i)(3), I, Julia Berman, attest that I obtained the concurrence of Zach Cowan in the filing of this document.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: November 3, 2016

/s/ Julia Berman
JULIA A. BERMAN, Bar No. 241415
Trial Attorney

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UNITED STATES POSTAL SERVICE,)	Case No. 16-cv-4815-WHA
)	
Plaintiff,)	
)	
v.)	
)	
CITY OF BERKELEY)	
)	
Defendant.)	
)	[PROPOSED] ORDER

20
 21
 22
 23
 24
 25
 26 Pursuant to the parties' stipulated request, the deadline for the Plaintiff's response to the
 27 Defendant's Motion to Dismiss shall be extended until December 8, 2016; the deadline for
 28

1 Defendant's reply in support of its Motion shall be extended until January 5, 2017; and the
2 hearing on the Defendant's Motion shall be continued until _____, 2017.

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

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8 Dated: _____, 2016

9 Hon. William H. Alsup
10 United States District Judge
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