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17 UNITED STATES DISTRICT COURT
18 FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

19 NATIONAL URBAN LEAGUE, et al.,

20 Plaintiffs,

21 v.

22 WILBUR L. ROSS, JR., et al.,

23 Defendants.
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CASE NO. 5:20-cv-05799-LHK

**JOINT STIPULATION REGARDING
DEADLINES RELATED TO SECOND
AMENDED COMPLAINT**

Date: TBD
Time: TBD
Place: Courtroom 8
Judge: Hon. Lucy H. Koh

1 Pursuant to Civil Local Rules 6-2 and 7-12, the parties in the above-captioned case, by
2 their respective counsel, respectfully submit the following Joint Stipulation:

3 WHEREAS, at the October 6, 2020 Case Management Conference, the Court ordered
4 that Plaintiffs file any Second Amended Complaint by October 20, 2020, with Defendants
5 answer or motion to dismiss due 14 days after the filing of any Second Amended Complaint (*see*
6 Oct. 6, 2020 Hr’g Tr. at 43:3-22), and set a further Case Management Conference for October
7 16, 2020 (Dkt. 310);

8 WHEREAS, on October 13, 2020, the United States Supreme Court granted Defendants’
9 application for stay of the Court’s preliminary injunction pending disposition of the appeal in the
10 United States Court of Appeals for the Ninth Circuit and disposition of the petition for a writ of
11 certiorari, if such writ is timely sought;

12 WHEREAS, on October 13, 2020, the Court ordered “[b]y Friday, October 23, 2020, the
13 parties shall each file a statement identifying the implications of the United States Supreme
14 Court’s stay pending appeal of the Order Granting Plaintiff’s Motion for Stay and Preliminary
15 Injunction, ECF No. 208” and continued the October 16, 2020 Case Management Conference to
16 October 27, 2020 (Dkt. 339);

17 WHEREAS, the parties have agreed to extend the deadline for Plaintiffs to file any
18 Second Amended Complaint to October 27, 2020, with Defendants’ answer or motion to dismiss
19 still due 14 days after the filing of any Second Amended Complaint;

20 NOW THEREFORE IT IS HEREBY STIPULATED AND THE PARTIES JOINTLY
21 REQUEST that the Court extend the deadline for Plaintiffs to file any Second Amended
22 Complaint to October 27, 2020, with Defendants’ answer or motion to dismiss due 14 days after
23 the filing of any such Second Amended Complaint.

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Dated: October 16, 2020

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ATTESTATION

I, Sadik Huseny, am the ECF user whose user ID and password authorized the filing of this document. Under Civil L.R. 5-1(i)(3), I attest that all signatories to this document have concurred in this filing.

Dated: October 16, 2020

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Sadik Huseny

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17 UNITED STATES DISTRICT COURT
18 FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

19 NATIONAL URBAN LEAGUE, et al.,

20 Plaintiffs,

21 v.

22 WILBUR L. ROSS, JR., et al.,

23 Defendants.

CASE NO. 5:20-cv-05799-LHK

**DECLARATION OF SADIK HUSENY
IN SUPPORT OF PARTIES' JOINT
STIPULATION REGARDING
DEADLINES RELATED TO SECOND
AMENDED COMPLAINT**

Date: TBD
Time: TBD
Place: Courtroom 8
Judge: Hon. Lucy H. Koh

1 I, Sadik Huseny, declare as follows:

2 1. I am an active member of the State Bar of California, a member in good standing
3 of the Bar of this Court, a partner at Latham & Watkins LLP, and counsel for a number of
4 Plaintiffs in the above-captioned case. I make this declaration in support of the parties' Joint
5 Stipulation Regarding Deadlines Related to Second Amended Complaint. I have personal, first-
6 hand knowledge of the matters set forth below and, if called as a witness, I could and would
7 testify competently thereto.

8 2. On October 6, 2020, the Court held a case management conference where the
9 parties discussed Plaintiffs' potentially filing a Second Amended Complaint in this action. The
10 parties and the Court agreed that Plaintiffs would file any Second Amended Complaint by
11 October 20, 2020 (14 days from October 6), and that Defendants would file an answer or motion
12 to dismiss within 14 days of any such Second Amended Complaint or notice from Plaintiffs that
13 they would not file a Second Amended Complaint. The Court set a further case management
14 conference for October 16, 2020.

15 3. On October 13, 2020, the Supreme Court of the United States Supreme Court
16 granted Defendants' application for stay of the Court's preliminary injunction pending
17 disposition of the appeal in the United States Court of Appeals for the Ninth Circuit and
18 disposition of the petition for a writ of certiorari, if such writ is timely sought.

19 4. The Court subsequently ordered that the parties file a statement identifying the
20 implications of the United States Supreme Court's ruling by October 23, 2020 and continued the
21 October 16 case management conference to October 27, 2020.

22 5. In light of the United States Supreme Court's ruling, and the Court ordering
23 submissions on implications of that ruling by October 23 and having moved the further case
24 management conference to October 27, 2020, Plaintiffs require extra time to consider and
25 prepare a Second Amended Complaint.

26 6. I reached out to Defendants to determine if they would be agreeable to extended
27 Plaintiffs' deadline to file any Second Amended Complaint to October 27, 2020. Defendants had
28

1 no objection to the request so long as Defendants' deadline to respond was similarly pushed
2 back.

3 7. With respect to Civil L.R. 6-2(a)(2), I am aware of the following time
4 modifications that have occurred in this case:

- 5 • The Court entered the parties joint stipulation regarding the briefing and hearing
6 schedule for Plaintiffs' Preliminary Injunction Motion (Dkt. 43);
- 7 • In light of the Court's Order to Produce the Administrative Record, the Court
8 extended the deadline for Plaintiffs to file their reply in support of their Preliminary
9 Injunction Motion to September 15, 2020 (Dkt. 95);
- 10 • The Court stayed its Order to Produce the Administrative Record and continued the
11 hearing on the Preliminary Injunction Motion from September 17, 2020 to September
12 22, 2020 (Dkt. 137);
- 13 • The Court extended the temporary restraining order in order for Defendants to
14 produce the OIG production and a privilege log (Dkt. 142);
- 15 • The Court continued the time for the September 22, 2020 Preliminary Injunction
16 Hearing from 10:00 a.m. to 2:00 p.m. (Dkt. 173);
- 17 • The Court allowed Defendants to comply with the Court's Order to Produce the
18 Administrative Record (Dkt. 96) by October 4, 2020;
- 19 • The Court continued the October 16, 2020 case management conference to October
20 27, 2020 (Dkt. 339).

21 8. With respect to Civil L.R. 6-2(a)(3), because a further schedule has not yet been
22 set for this action, the requested time modification will not affect the schedule for this action.

23
24 I declare under penalty of perjury that the foregoing is true and correct.

25
26 Executed on: October 16, 2020

LATHAM & WATKINS LLP

27 By: /s/ Sadik Huseny

28 Sadik Huseny

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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

NATIONAL URBAN LEAGUE, et al.,

Plaintiffs,

v.

WILBUR L. ROSS, JR., et al.,

Defendants.

CASE NO. 5:20-cv-05799-LHK

**[PROPOSED] ORDER REGARDING
JOINT STIPULATION REGARDING
DEADLINES RELATED TO SECOND
AMENDED COMPLAINT**

Date: TBD

Time: TBD

Place: Courtroom 8

Judge: Hon. Lucy H. Koh

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[PROPOSED] ORDER

The parties' have stipulated that Plaintiffs have an extra week to file any Second Amended Complaint, with Defendants' answer or motion to dismiss deadline set at 14 days after the filing of any such Second Amended Complaint. Therefore, Plaintiffs' would have until October 27, 2020 to file any Second Amended Complaint and Defendants would have up to 14 days after any such filing to file their answer or motion to dismiss.

The parties' joint stipulation is GRANTED.

PURSUANT TO THE PARTIES' STIPULATION, IT IS SO ORDERED.

DATED: _____

Honorable Lucy H. Koh
United States District Judge