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[Counsel identified on signature pages]

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

NATIONAL URBAN LEAGUE, et al.,

Plaintiffs,

v.

WYNN COGGINS, et al.,

Defendants.

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

**STIPULATION AND ~~PROPOSED~~
ORDER**

1 Pursuant to Civil Local Rules 6-2 and 7-12, the parties to this action, by their respective
2 counsel, respectfully submit the following Joint Stipulation, and respectfully request that the
3 Court issue the following order:

4 WHEREAS, on January 15, 2021, the Court entered the parties' Stipulation and Order
5 Regarding Census and Population Counts and 21-Day Stay of Proceedings ("January 15
6 Stipulation and Order"), ECF No. 456;

7 WHEREAS, the January 15 Stipulation and Order provided for a 21-day stay of this case,
8 beginning January 15, 2021 and ending February 5, 2021;

9 WHEREAS, the parties have engaged in good-faith discussions concerning the potential
10 resolution of this case, and the parties have reached agreement on key portions of Plaintiffs'
11 claims;

12 WHEREAS, the parties believe that the public interest would be served by staying all
13 proceedings in this litigation for 21 additional days while the parties continue their discussions
14 concerning the potential resolution of this case;

15 WHEREAS, Plaintiffs are amenable to a 21-day stay, based on Defendants' express
16 acknowledgments and representations below, provided to ensure that Plaintiffs are not prejudiced
17 in any way by a stay.

18 NOW, THEREFORE, DEFENDANTS HEREBY REPRESENT AND STIPULATE AS
19 FOLLOWS:

20 1. On January 20, 2021, President Biden signed Executive Order 13986, which
21 revoked (a) Executive Order 13880 ("Collecting Information About Citizenship Status in
22 Connection With the Decennial Census") and (b) the Presidential Memorandum of July 21, 2020
23 ("Excluding Illegal Aliens from the Apportionment Base Following the 2020 Census"). Exec.
24 Order No. 13986, 86 Fed. Reg. 7015 (Jan. 25, 2021). Consistent with Executive Order 13986,
25 the tabulation of total population by States based on 2020 Census data and described by 13
26 U.S.C. § 141(b), and the P.L. 94-171 Redistricting Summary Data File based on 2020 Census
27 data and described by 13 U.S.C. § 141(c), will not include or otherwise incorporate any
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1 information on citizenship or immigration status, nor will such counts or data products be
2 affected by any information on citizenship or immigration status.

3 2. The Census Bureau is currently scheduled to release the results of the 2020
4 Census by April 30, 2021. As in prior censuses, the Census Bureau may wish to release the
5 results a short period before the scheduled release date. However, the Census Bureau will not
6 under any circumstances report the results of the 2020 Census to the Secretary of the Department
7 of Commerce, the President, and Congress, before April 16, 2021. This schedule is equivalent to
8 the COVID-19 plan timeline for data processing sought by Plaintiffs' Second Amended
9 Complaint.

10 FURTHER, THE PARTIES JOINTLY STIPULATE, AND RESPECTFULLY
11 REQUEST THAT THE COURT ORDER, AS FOLLOWS:

12 1. That the Court enter a 21-day stay of this case, effective beginning February 5,
13 2021 and ending on February 26, 2021, with any deadlines currently due February 5, 2021
14 becoming due on February 26, 2021, and all other deadlines commensurately shifted;

15 2. That the Court enter a 21-day stay of proceedings related to Plaintiffs' Renewed
16 Motion to Compel, *see* ECF Nos. 462, 463, 464, to be coextensive with the requested stay of the
17 case as a whole;

18 3. That the Court continue the Case Management Conference currently scheduled
19 for Friday, February 5, 2021, until Friday, February 26, 2021;

20 4. That, should the parties not reach earlier resolution, the case shall restart on
21 February 26, 2021 under the same schedule currently in place; and

22 5. Defendants will not, on the grounds of any stay, resist or challenge Plaintiffs
23 taking any of the depositions currently noticed or producing any of the documents and materials
24 Defendants currently are obligated to produce, but Defendants may assert the objections that they
25 would have had in the normal course.

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~~**PROPOSED**~~ **ORDER**

The stipulation is GRANTED.

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

DATED: February 3, 2021



Lucy H. Koh
United States District Judge