

1 Jennifer C. Pizer (CA Bar No. 152327)  
Lambda Legal Defense and Education Fund  
2 4221 Wilshire Blvd., Suite 280  
Los Angeles, CA 90010  
3 (213) 590-5903  
4 jpizer@lambdalegal.org

5 M. Currey Cook (NY Bar No. 4612834)  
(admitted *pro hac vice*)  
6 Lambda Legal Defense and Education Fund  
120 Wall St., 19th Fl.  
7 New York, New York 10005  
8 ccook@lambdalegal.org  
Telephone: (212) 809-8585

9  
10 Sasha Buchert (OR Bar No. 070686)  
(admitted *pro hac vice*)  
11 Lambda Legal Defense and Education Fund  
1776 K Street, NW, 8th Floor  
12 Washington, DC 20006-2304  
Sbuchert@lambdalegal.org  
13 Telephone: (202) 804-6245

14 *Counsel for Plaintiffs*

Jeffrey B. Dubner (DC Bar No. 1013399)  
(admitted *pro hac vice*)  
Kristen Miller (DC Bar No. 229627)  
(admitted *pro hac vice*)  
Sean A. Lev (DC Bar. No. 449936)  
(admitted *pro hac vice*)  
Democracy Forward Foundation  
P.O. Box 34553  
Washington, DC 20043  
jdubner@democracyforward.org  
kmiller@democracyforward.org  
slev@democracyforward.org  
Telephone: (202) 448-9090

Kathryn E. Fort (MI Bar No. 69451)  
(admitted *pro hac vice*)  
Michigan State University College of Law  
Indian Law Clinic  
648 N. Shaw Lane  
East Lansing, MI 48824  
fort@msu.edu  
Telephone: (517) 432-6992

*Counsel for Plaintiffs*

15 UNITED STATES DISTRICT COURT  
16 NORTHERN DISTRICT OF CALIFORNIA  
17 SAN FRANCISCO DIVISION

18 CALIFORNIA TRIBAL FAMILIES COALITION,  
YUOK TRIBE, CHEROKEE NATION, FACING  
19 FOSTER CARE IN ALASKA, ARK OF  
FREEDOM ALLIANCE, RUTH ELLIS CENTER,  
20 and TRUE COLORS, INC.,

21 Plaintiffs,

22 v.

23 ALEX AZAR, in his official capacity as Secretary of  
Health and Human Services, LYNN A. JOHNSON,  
24 in her official capacity as Assistant Secretary for the  
Administration for Children and Families, U.S.  
25 DEPARTMENT OF HEALTH AND HUMAN  
SERVICES, and ADMINISTRATION FOR  
26 CHILDREN AND FAMILIES,

27 Defendants.

Case No. 3:20-cv-6018-MMC

**JOINT STIPULATED REQUEST AND  
[PROPOSED] ORDER RE: BRIEFING  
SCHEDULE**

1 Pursuant to this Court's Standing Order (ECF No. 38-1) and Local Civil Rules 6-2 and 7-  
2 12, the Parties hereby stipulate to and respectfully request entry of a Court order enlarging the  
3 time for summary judgment briefing consistent with the following schedule:

- 4 • Plaintiffs' motion for summary judgment is due February 15, 2021.
- 5 • Defendants' combined opposition to Plaintiffs' motion and cross-motion for  
6 summary judgment is due March 15, 2021.
- 7 • Plaintiffs' combined reply in support of their motion and opposition to Defendants'  
8 cross-motion is due March 29, 2021.
- 9 • Defendants' reply in support of their motion is due April 12, 2021.

10 This is the second time modification request by the Parties, who previously requested an  
11 enlargement of Defendants' deadline to file an answer and a certified copy of the Administrative  
12 Record. The Parties now seek this enlargement due to the obligations of Plaintiffs' Counsel in  
13 other matters, including five substantive filings and a hearing on a motion to dismiss in the second  
14 half of January. Given these scheduling constraints, the requested enlargement is necessary to  
15 allow Plaintiffs' Counsel time to prepare their motion. The only effect on this Court's schedule  
16 will be to extend the conclusion of summary judgment briefing by two weeks.

17 Accordingly, the Parties respectfully request that the Court enter the proposed stipulated  
18 schedule.

19 Dated: January 20, 2021

Respectfully submitted,

20 By: /s/ Jeffrey B. Dubner  
21 Jeffrey B. Dubner (DC Bar No. 1013399)  
(admitted *pro hac vice*)  
22 Kristen Miller (DC Bar. No. 229627)  
(admitted *pro hac vice*)  
23 Sean A. Lev (DC Bar. No. 449936)  
(admitted *pro hac vice*)  
24 Democracy Forward Foundation  
25 P.O. Box 34553  
Washington, DC 20043  
26 jdubner@democracyforward.org  
27 kmiller@democracyforward.org  
28 slev@democracyforward.org  
Telephone: (202) 448-9090

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

Jennifer C. Pizer (CA Bar. No. 152327)  
Lambda Legal Defense and Education Fund  
4221 Wilshire Blvd., Suite 280  
Los Angeles, CA 90010  
(213) 590-5903  
jpizer@lambdalegal.org

M. Currey Cook (NY Bar No. 4612834)  
(admitted *pro hac vice*)  
Lambda Legal Defense and Education Fund  
120 Wall St., 19th Fl.  
New York, New York 10005  
ccook@lambdalegal.org  
Telephone: (212) 809-8585

Sasha Buchert (Oregon Bar No. 070686)  
(admitted *pro hac vice*)  
Lambda Legal Defense and Education Fund  
1776 K Street, NW, 8th Floor  
Washington, DC 20006-2304  
Sbuchert@lambdalegal.org  
Telephone: (202) 804-6245

Kathryn E. Fort (MI Bar No. 69451)  
(admitted *pro hac vice*)  
Michigan State University College of Law  
Indian Law Clinic  
648 N. Shaw Lane  
East Lansing, MI 48824  
fort@msu.edu  
Telephone: (517) 432-6992

*Counsel for Plaintiffs*

Dated: January 20, 2021

Respectfully submitted,  
DAVID L. ANDERSON  
United States Attorney  
/s/ Emmet P. Ong  
EMMET P. ONG  
Assistant United States Attorney

*Counsel for Defendants*

1 UNITED STATES DISTRICT COURT  
2 NORTHERN DISTRICT OF CALIFORNIA  
3 SAN FRANCISCO DIVISION

4 CALIFORNIA TRIBAL FAMILIES COALITION,  
5 YUROK TRIBE, CHEROKEE NATION, FACING  
6 FOSTER CARE IN ALASKA, ARK OF  
7 FREEDOM ALLIANCE, RUTH ELLIS CENTER,  
8 and TRUE COLORS, INC.,

9 Plaintiffs,

10 v.

11 ALEX AZAR, in his official capacity as Secretary of  
12 Health and Human Services, LYNN A. JOHNSON,  
13 in her official capacity as Assistant Secretary for the  
14 Administration for Children and Families, U.S.  
15 DEPARTMENT OF HEALTH AND HUMAN  
16 SERVICES, and ADMINISTRATION FOR  
17 CHILDREN AND FAMILIES,

18 Defendants.

Case No. 3:20-cv-6018-MMC

19 **[PROPOSED] SCHEDULING ORDER**

20 The Court having considered the Parties' submission, hereby GRANTS the Parties'  
21 stipulation to extend the deadlines provided by the Court's November 16, 2020 Scheduling Order.

22 IT IS HEREBY ORDERED that:

- 23 • Plaintiffs' motion for summary judgment is due February 15, 2021.
- 24 • Defendants' combined opposition to Plaintiffs' motion and cross-motion for  
25 summary judgment is due March 15, 2021.
- 26 • Plaintiffs' combined reply in support of their motion and opposition to Defendants'  
27 cross-motion is due March 29, 2021.
- 28 • Defendants' reply in support of their motion is due April 12, 2021.

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

\_\_\_\_\_  
The Honorable Maxine M. Chesney  
United States District Judge