

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., 19<sup>th</sup> Fl.  
7 New York, New York 10005  
8 ccook@lambdalegal.org  
Telephone: (212) 809-8585

9 Sasha Buchert (OR Bar No. 070686)  
(admitted *pro hac vice*)  
10 Lambda Legal Defense and Education Fund  
1776 K Street, N.W., 8th Floor  
11 Washington, DC 20006-2304  
12 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, M.I. 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 TO ENLARGE  
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 March 17, 2021.
- 5 • Defendants' combined opposition to Plaintiffs' motion and cross-motion for  
6 summary judgment is due April 14, 2021.
- 7 • Plaintiffs' combined reply in support of their motion and opposition to Defendants'  
8 cross-motion is due April 28, 2021.
- 9 • Defendants' reply in support of their motion is due May 12, 2021.

10 This is the third time modification request by the Parties. The Parties previously requested  
11 (1) an enlargement of Defendants' deadline to file an answer and a certified copy of the  
12 Administrative Record, and (2) an enlargement of the summary judgment briefing schedule due to  
13 the obligations of Plaintiffs' Counsel in other matters, including five substantive filings and a  
14 hearing on a motion to dismiss that was scheduled in the second half of January.

15 The Parties seek the present enlargement because Defendants have notified Plaintiffs that,  
16 in light of the change in administration, the Defendants are reevaluating the rule at issue in this  
17 case. Specifically, Defendants are considering reinstating the data elements that were included in  
18 the 2016 rule, but were omitted from the 2020 rule and that are the subject of Plaintiffs' challenge  
19 thereto. It would present the most efficient use of the Parties' and the Court's resources if  
20 Defendants are provided additional time to complete their evaluation before commencing briefing.

21 The only effect on this Court's schedule will be to extend the conclusion of summary  
22 judgment briefing by 30 days. Accordingly, the parties respectfully request that the Court enter  
23 the proposed stipulated schedule.

24 IT IS SO STIPULATED.

25 Dated: February 9, 2021

Respectfully submitted,

26 By: /s/ Jeffrey B. Dubner  
27 Jeffrey B. Dubner (DC Bar No. 1013399)  
(admitted *pro hac vice*)  
28 Kristen Miller (D.C. Bar. No. 229627)

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Sean A. Lev (D.C. Bar. No. 449936)  
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Lambda Legal Defense and Education Fund  
120 Wall St., 19<sup>th</sup> 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, N.W., 8th Floor  
Washington, DC 20006-2304  
Sbuchert@lambdalegal.org  
Telephone: (202) 804-6245

Kathryn E. Fort (MI Bar No. 69451)  
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Michigan State University College of Law  
Indian Law Clinic  
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fort@msu.edu  
Telephone: (517) 432-6992

*Counsel for Plaintiffs*

Dated: February 9, 2021

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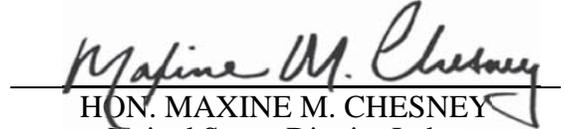
DAVID L. ANDERSON  
United States Attorney  
/s/ Emmet P. Ong  
EMMET P. ONG  
Assistant United States Attorney  
  
*Counsel for Defendants*

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**~~PROPOSED~~ ORDER**

Pursuant to stipulation of the parties, IT IS SO ORDERED.

DATED: February 10, 2021

  
HON. MAXINE M. CHESNEY  
United States District Judge