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9 UNITED STATES DISTRICT COURT
 10 NORTHERN DISTRICT OF CALIFORNIA

11
 12 AMERICAN FEDERATION OF LABOR AND)
 CONGRESS OF INDUSTRIAL)
 13 ORGANIZATIONS, et al.,)
)
 14 Plaintiffs,)
)
 15 SAN FRANCISCO CHAMBER)
 16 OF COMMERCE, et al.,)
)
 17)
 18 Plaintiffs-Intervenors,)
)
 19 and)
)
 20 UNITED FOOD AND COMMERCIAL)
 21 WORKERS INTERNATIONAL UNION, et al.,)
)
 22 Plaintiffs-Intervenors,)
)
 23 v.)
)
 24 JANET NAPOLITANO, Secretary of Homeland)
 25 Security, et al.,)
)
 26 Defendants.)
 27)

Case No. 07-4472 CRB

**DEFENDANTS’
 UNOPPOSED MOTION TO
 STAY THIS ACTION
 PENDING THE COMPLETION
 OF RULEMAKING
 PROCEEDINGS ON THE
 SAFE HARBOR RULE**

Date: August 28, 2009
 Time: 8:30 a.m.
 Place Courtroom 8, 19th Floor
 Hon. Charles Breyer

1 On July 9, 2009 the Department of Homeland Security (DHS) announced its intention to
2 initiate rulemaking proceedings to rescind the Safe Harbor Rule that is the subject of this
3 litigation. (A copy of the DHS press release making that announcement is attached.) On July 10,
4 2009, a proposed rule was submitted by DHS to the Office of Management and Budget (OMB)
5 for review. Provided the proposed rule is cleared by OMB, it will be published in the Federal
6 Register as a Notice of Proposed Rulemaking.
7

8 Because rescision of the Safe Harbor Rule would moot this litigation, the parties are in
9 agreement that Court should stay all further proceedings in this action until the completion of
10 these new rulemaking proceedings. Therefore, defendants request that the Court enter the
11 attached Order staying all proceedings in this action for an initial six month period, to and until
12 February 1, 2010. Defendants obviously cannot predict when rulemaking proceedings will be
13 completed, and may need to request that the stay be extended. Therefore, defendants propose to
14 report to the Court on the status of rulemaking proceedings, and, if necessary, seek an extension
15 of the stay, on or before December 24, 2009.
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17 Wherefore, defendants move that the Court stay all further proceedings in this action until
18 February 1, 2010 to permit DHS to complete proceedings on a rulemaking to rescind the Safe
19 Harbor Rule.
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