

DAVIS WRIGHT TREMAINE LLP

1 Thomas R. Burke (State Bar No. 141930)  
thomasburke@dwt.com  
2 DAVIS WRIGHT TREMAINE LLP  
505 Montgomery Street, Suite 800  
3 San Francisco, CA 94111  
Telephone: (415) 276-6500  
4 Facsimile: (415) 276-6599

5 Linda Lye (State Bar No. 215584)  
llye@aclunc.org  
6 AMERICAN CIVIL LIBERTIES UNION FOUNDATION  
OF NORTHERN CALIFORNIA  
7 39 Drumm Street  
San Francisco, CA 94111  
8 Telephone: (415) 621-2493

9 Mateo Caballero (*admitted pro hac vice*)  
mcaballero@acluhawaii.org  
10 AMERICAN CIVIL LIBERTIES UNION OF HAWAI'I FOUNDATION  
P.O. Box 3410  
11 Honolulu, HI 96801  
Telephone: (808) 522-5908

12 Leah Farrell (*admitted pro hac vice*)  
lfarrell@acluutah.org  
13 AMERICAN CIVIL LIBERTIES UNION OF UTAH FOUNDATION  
14 355 North 300 West  
Salt Lake City, UT 84103  
15 Telephone: (801) 521-9862

16 Attorneys for Plaintiffs  
AMERICAN CIVIL LIBERTIES UNION  
17 OF NORTHERN CALIFORNIA, AMERICAN  
CIVIL LIBERTIES UNION OF HAWAI'I, AND  
18 AMERICAN CIVIL LIBERTIES UNION OF UTAH

19 IN THE UNITED STATES DISTRICT COURT  
20 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO-OAKLAND DIVISION

21 AMERICAN CIVIL LIBERTIES UNION OF  
NORTHERN CALIFORNIA, AMERICAN  
22 CIVIL LIBERTIES UNION OF HAWAI'I,  
AND AMERICAN CIVIL LIBERTIES UNION  
23 OF UTAH,

Plaintiffs,

24 v.

25 U.S. DEPARTMENT OF HOMELAND  
26 SECURITY and U.S. CUSTOMS AND  
BORDER PROTECTION,  
27

28 Defendants.

Case No. 3:17-cv-01970-SBA

**JOINT REQUEST FOR RELIEF FROM  
AUTOMATIC REFERRAL TO ADR  
MULTIOPTION PROGRAM;  
~~PROPOSED~~ ORDER**

DAVIS WRIGHT TREMAINE LLP

1 The parties, through their undersigned attorneys, hereby stipulate and request relief from  
2 the Court’s ADR program. Each of the undersigned certifies that he or she has read either the  
3 handbook entitled “Dispute Resolution Procedures in the Northern District of California,” or the  
4 specified portions of the ADR Internet site, www.cand.uscourts.gov/adr, discussed the available  
5 dispute resolution options provided by the Court and private entities; and considered whether this  
6 case might benefit from any of the available dispute resolution options.

7 The parties agree that in this instance referral to a formal ADR process may unnecessarily  
8 consume the Court’s time and resources because ADR is generally not helpful to resolve FOIA  
9 disputes at this stage in the litigation. If any party subsequently determines that submission to the  
10 formal ADR process would be beneficial to the efficient resolution of this matter, that party may  
11 request placement in one of the Court’s ADR programs at that time.

12 A proposed order is attached.

13  
14 DATED: August 23, 2017

15 Respectfully submitted,  
16 DAVIS WRIGHT TREMAINE LLP

17 By: /s/ Thomas R. Burke  
18 Thomas R. Burke  
19 Attorneys for Plaintiffs  
20 AMERICAN CIVIL LIBERTIES UNION OF  
21 NORTHERN CALIFORNIA, AMERICAN  
22 CIVIL LIBERTIES UNION OF HAWAI’I, AND  
23 AMERICAN CIVIL LIBERTIES UNION OF  
24 UTAH

25 AMERICAN CIVIL LIBERTIES UNION  
26 FOUNDATION OF NORTHERN CALIFORNIA

27 By: /s/ Linda Lye  
28 Linda Lye  
Attorneys for Plaintiff  
AMERICAN CIVIL LIBERTIES UNION OF  
NORTHERN CALIFORNIA

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

AMERICAN CIVIL LIBERTIES UNION OF  
HAWAI'I FOUNDATION

By: /s/ Mateo Caballero  
Mateo Caballero  
Attorneys for Plaintiff  
AMERICAN CIVIL LIBERTIES UNION OF  
HAWAI'I

AMERICAN CIVIL LIBERTIES UNION OF UTAH  
FOUNDATION

By: /s/ Leah Farrell  
Leah Farrell  
Attorneys for Plaintiff  
AND AMERICAN CIVIL LIBERTIES UNION  
OF UTAH

By: Matthew J. Berns  
Matthew J. Berns  
Attorneys for Defendants  
U.S. DEPARTMENT OF HOMELAND  
SECURITY AND U.S. CUSTOMS AND  
BORDER PROTECTION

DAVIS WRIGHT TREMAINE LLP

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

**CERTIFICATION**

Pursuant to Local Rule 5-1(i)(3), the undersigned hereby attests that I have conferred with the other signatories to this document, who have represented that they concur in the filing of this document and that I am authorized to file it on their behalf.

DATED: August 23, 2017

Respectfully submitted,  
AMERICAN CIVIL LIBERTIES UNION  
FOUNDATION OF NORTHERN CALIFORNIA

By: /s/ Linda Lye  
Linda Lye  
Attorneys for Plaintiff  
AMERICAN CIVIL LIBERTIES UNION OF  
NORTHERN CALIFORNIA

DAVIS WRIGHT TREMAINE LLP

~~PROPOSED~~ ORDER

Pursuant to stipulation and to ADR L.R. 3-3(c), the parties are hereby removed from the ADR Multi-Option Program and are excused from participating in the ADR phone conference and any further formal ADR process. Should any party subsequently determine that submission to the formal ADR process would be beneficial to the efficient resolution of this matter, that party may request placement in one of the Court’s ADR programs at that time.

**SO ORDERED.**

DATED: August 25, 2017



HONORABLE SAUNDRA B. ARMSTRONG  
UNITED STATES DISTRICT COURT JUDGE

DAVIS WRIGHT TREMAINE LLP

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