

STUART F. DELERY
Acting Deputy Assistant Attorney General
RUPA BHATTACHARYYA
Director, Torts Branch, Civil Division
MARY HAMPTON MASON
Senior Trial Counsel
GLENN S. GREENE
Senior Trial Attorney
U.S. Department of Justice, Civil Division
Constitutional and Specialized Tort Litigation
P.O. Box 7146, Ben Franklin Station
Washington, D.C. 20044
(202) 616-4143 (phone)
(202) 616-4314 (fax)
Glenn.Greene@usdoj.gov

ATTORNEYS FOR DEFENDANTS
GEORGE W. BUSH, RICHARD B. CHENEY,
CONDOLIEZZA RICE, AND COLIN POWELL,

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

SUNDUS SHAKER SALEH, et al.,)	
)	No. 3:13-cv-01124 JST
Plaintiffs,)	
)	STIPULATED REQUEST
v.)	FOR AN ORDER CONTINUING
)	INITIAL CASE MANAGEMENT
GEORGE W. BUSH, et al.,)	CONFERENCE AND
)	ASSOCIATED DEADLINES
Defendants.)	
)	

Pursuant to Civil Local Rules 6-2 and 7-12, Plaintiff Sundus Shaker Saleh, and Defendants former President George W. Bush, former Vice-President Richard B. Cheney, former National Security Advisor Condoleezza Rice, and former Secretary of State Colin Powell, and the United States pursuant to 28 U.S.C. § 517, through their respective counsel, stipulate to this request for an order continuing the Initial Case Management Conference, currently scheduled for June 19, 2013, until sixty (60) days after the Court decides the dispositive motion that the

defendants intend to file.¹ The deadlines associated with the conference, as imposed by Federal Rules of Civil Procedure 26(a)(1) and 26(f), Civil Local Rules 16-8, 16-9, and 16-10, ADR Local Rule 3-5, and by this Court in its Order Setting Initial Case Management Conference and ADR Deadlines, would be continued accordingly.

In support of this stipulated request, the parties, through their respective counsel, state the following facts:

1. The Complaint in this matter was filed on March 13, 2013. Plaintiff Sundus Shaker Saleh seeks relief related to the defendants' alleged activities related to the United States' war with Iraq in March 2003. Plaintiff Saleh asserts claims in which she alleges that certain former federal officials conspired to, and did commit the crime of aggression, which Plaintiff alleges is a violation of international law, and that she suffered damage as a result of such alleged violation. Plaintiff Saleh is a lead plaintiff in a putative class action.

2. The defendants are former President George W. Bush, former Vice-President Richard B. Cheney, former Secretary of Defense Donald H. Rumsfeld, former National Security Advisor Condoleezza Rice, former Secretary of State Colin Powell, and former Deputy Secretary of Defense Paul Wolfowitz (collectively, the "Defendants"). Each defendant is sued in his or her individual capacity for monetary relief.

¹ Plaintiff has also sued former Secretary of Defense Donald H. Rumsfeld, and former Deputy Secretary of Defense Paul Wolfowitz. Those defendants are in the process of seeking legal representation by the Department of Justice pursuant to 28 C.F.R. § 50.15. For that reason, although the undersigned defense counsel does not represent those individuals, the United States respectfully requests this continuance on their behalf. 28 U.S.C. § 517 expressly authorizes the Attorney General to send any officer of the Department of Justice "to attend to the interests of the United States" in any action pending in a state or federal court.

3. To date, none of the Defendants has been served with the Complaint. Pursuant to Federal Rule of Civil Procedure 12(a)(3), each defendant will have 60 days from the date of service to respond to the Complaint.

4. In response to Plaintiff's Complaint, the Defendants intend to file a dispositive motion that will address the threshold legal issues that the Defendants believe will be dispositive of all of Plaintiff's claims, or at least serve to narrow the issues presented by the Complaint, thereby promoting the goal of securing the just, speedy, and inexpensive resolution of this matter.

5. Plaintiff Saleh anticipates that she will need more time to respond to the Defendants' dispositive motion than provided for by Civil Local Rule 7-3.

6. The Defendants anticipate that they will need more time to reply to Plaintiff's response than provided for by Civil Local Rule 7-3.

7. Accordingly, the undersigned parties have stipulated, subject to the approval of the Court, to the following:

- a. On or before June 21, 2013, Plaintiff will complete service of process for the Complaint in any manner authorized by the Federal Rules of Civil Procedure. If any issue arises that prevents service of process upon any defendant prior to June 21, 2013, Plaintiff will advise the Court prior to that date.
- b. On or before August 20, 2013, the Defendants will file a dispositive motion addressing the Complaint.
- c. On or before October 21, 2013, Plaintiff will respond to the Defendants' dispositive motion. Subject to the approval of the Court, Plaintiff requests

that she be permitted to write but not exceed forty (40) pages of text in her brief responding to Defendants' dispositive motion.

- d. The Defendants will have until November 20, 2013, to reply to Plaintiff's opposition.
- e. Plaintiff's ability to amend the Complaint pursuant to Rule 15 of the Federal Rules of Civil Procedure is unaffected by this stipulation. Should Plaintiff exercise this right, counsel for Plaintiff and counsel for the Defendants shall agree to a new briefing schedule that is consistent with the deadlines agreed to in this stipulation, subject to the approval of the Court.
- f. The Initial Case Management Conference currently scheduled for June 19, 2013, will be continued until sixty (60) days after the Court decides the Defendants' dispositive motion. The deadlines associated with the conference, as imposed by Federal Rules of Civil Procedure 26(a)(1) and 26(f), Civil Local Rules 16-8, 16-9, and 16-10, ADR Local Rule 3-5, and this Court in its Order Setting Initial Case Management Conference and ADR Deadlines, will be continued accordingly.

Dated: June 11, 2013

Respectfully Submitted,

/S/ Glenn S. Greene

Glenn S. Greene
Counsel for Defendants George W. Bush,
Richard B. Cheney, Condoleezza Rice, Colin
Powell, and the United States

/S/ D. Inder Comar

D. Inder Comar
Counsel for Plaintiff Sundus Shaker Saleh

I hereby attest that I have on file all holograph signatures for any signatures indicated by a “conformed” signature (/S/) within this efiled document.

/S/ Glenn S. Greene

Glenn S. Greene
Counsel for Defendants George W. Bush, Richard B. Cheney,
Condoleezza Rice, and Colin Powell,
and the United States

PURSUANT TO STIPULATION, IT IS SO ORDERED

Judge Jon S. Tigar
United States District Court for the
Northern District of California

Dated: _____