

1 STEPHANIE M. HINDS (CABN 154284)
United States Attorney
2 MICHELLE LO (NYRN 4325163)
Chief, Civil Division
3 DAVID M. DEVITO (CABN 243695)
SHARANYA MOHAN (NYRN 5027768)
4 Assistant United States Attorneys
450 Golden Gate Avenue, 9th Floor
5 San Francisco, California 94102-3495
Telephone: (415) 436-7198
6 Facsimile: (415) 436-6748
david.devito@usdoj.gov
7 sharanya.mohan@usdoj.gov

8 Attorneys for Defendants

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 OAKLAND DIVISION

12 NATIONAL BAIL FUND NETWORK, et al.,) Case No. 4:22-cv-07772-HSG
13 Plaintiffs,)
14 v.) **STIPULATION AND ORDER TO CONTINUE**
15 U.S. IMMIGRATION AND CUSTOMS) **TELEPHONIC INITIAL CASE**
ENFORCEMENT, and U.S. DEPARTMENT) **MANAGEMENT CONFERENCE (as modified)**
16 OF HOMELAND SECURITY,) **CMC: March 14, 2023 at 2 p.m.**
17 Defendants.)

18 Defendants U.S. Immigration and Customs Enforcement (“ICE”) and U.S. Department of
19 Homeland Security (“DHS”) (collectively, “Defendants”), and Plaintiffs National Bail Fund Network, *et*
20 *al.*, (“Plaintiffs”), hereby stipulate and respectfully request through their undersigned counsel that the
21 Court continue the Case Management Conference, presently scheduled on March 14, 2022 at 2 p.m., to
22 May 9, 2023, or another date thereafter that is convenient for the Court. The reasons for this request are
23 as follows:

24 1. Plaintiffs filed the Complaint on December 8, 2022, asserting claims under the Freedom
25 of Information Act (“FOIA”), 5 U.S.C. § 552 *et seq.* Plaintiffs claim that ICE is required to proactively
26 disclose immigration bond policies, interpretations and instructions and make such records publicly
27

1 available. Plaintiffs had previously submitted a FOIA request to ICE requesting that ICE “publish
2 information regarding ICE policies and procedures for paying bond.” Compl. Ex. A.

3 2. Defendants answered the Complaint on February 10, 2023, denying liability and asserting
4 certain affirmative defenses.

5 3. The Court has scheduled an initial Case Management Conference on March 14, 2023, at
6 2 p.m., and the parties’ Case Management Statement is due by March 7, 2023. Dkt. No. 36.

7 4. Since the filing of the Complaint, ICE has started the process of searching certain
8 components and offices for records that are potentially responsive to the Plaintiffs’ FOIA request. Once
9 the results of these searches are obtained, ICE will need to process the results to determine whether any
10 responsive records exist, and whether such records are protected from disclosure pursuant to any
11 applicable FOIA exemption. Once ICE identifies any responsive, non-exempt records that can be
12 produced to Plaintiffs, it then will need to decide whether such records must be proactively published.

13 5. The parties have met and conferred and believe it is in the interest of conserving the
14 parties’ and the Court’s resources to postpone the initial Case Management Conference by
15 approximately sixty days. In that period, ICE anticipates completing its search, after which ICE will
16 inform Plaintiffs about a schedule for processing and production of any responsive, non-exempt records,
17 or about any need to narrow search terms to facilitate and expedite its search. Should ICE be unable to
18 complete the search within that period, ICE will provide Plaintiffs with a specific timeline for search
19 completion and/or confer with Plaintiffs regarding ways to narrow the searches if the initial search
20 results are very voluminous. These steps will allow the parties to more knowledgeably discuss timelines
21 for processing and for any additional steps in the litigation and whether any additional issues in the case
22 can be narrowed or resolved.

23 6. Accordingly, the parties respectfully request that the Court adjourn the March 14, 2023
24 Initial Case Management Conference and reschedule it to May 9, 2023, or any date thereafter that is
25 convenient for the Court, with the parties to submit a joint Case Management Statement seven days prior
26 to the re-scheduled conference.

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

Respectfully submitted,

DATED: February 24, 2023

STEPHANIE M. HINDS
United States Attorney

/s/ Sharanya Mohan
SHARANYA MOHAN
Assistant United States Attorney

*Attorneys for Defendants**

DATED: February 24, 2023

IMMIGRANT LEGAL DEFENSE

/s/ Claudia Valenzuela
CLAUDIA VALENZUELA


Attorneys for Plaintiffs

* In compliance with Civil Local Rule 5-1(h), the filer of this document attests that all signatories listed have concurred in the filing of this document.

ORDER

The Telephonic Initial Case Management scheduled for March 14, 2023 at 2 p.m. is rescheduled to May 9, 2023 at 2 p.m. The parties shall submit a Joint Case Management Statement by May 2, 2023.

DATED: 2/27/2023


HONORABLE HAYWOOD S. GILLIAM, JR.
United States District Judge

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