

Erwin Chemerinsky (*pro hac vice*)
echemerinsky@law.berkeley.edu
Claudia Polsky (CA Bar No. 185505)
cpolsky@law.berkeley.edu
U.C. BERKELEY SCHOOL OF LAW
Law Building
Berkeley, CA 94720-7200
Telephone: 510.642.6483

Elizabeth J. Cabraser (CA Bar No. 83151)
ecabraser@lchb.com
Richard M. Heimann (CA Bar No. 63607)
rheimann@lchb.com
Kevin R. Budner (CA Bar No. 287271)
kbudner@lchb.com
LIEFF CABRASER HEIMANN & BERNSTEIN, LLP
275 Battery Street, 29th Floor
San Francisco, CA 94111
Telephone: 415.956.1000

Anthony P. Schoenberg (CA Bar No. 203714)
tschoenberg@fbm.com
FARELLA BRAUN + MARTEL LLP
One Bush Street, Suite 900
San Francisco, California 94104
Telephone: (415) 954-4400

Attorneys for Plaintiffs and the Proposed Class
[Additional counsel listed on signature page]

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

NEETA THAKUR, et al.,

Plaintiffs,

vs.

DONALD J. TRUMP, et al.,

Defendants.

Case No. 3:25-cv-04737-RL

**STIPULATION AND [PROPOSED]
ORDER**

Judge: Hon. Rita F. Lin

Pursuant to Civil Local Rule 7-12, Plaintiffs and Defendants (“the Parties”), through their respective undersigned counsel, stipulate and agree as follows.

1. Pursuant to the schedule entered on July 2, 2025, Dkt. 60, Defendants produced the administrative record for EPA, NSF, NEH, DOD, and DOT on September 2, 2025.

2. Today, September 8, 2025, is the deadline for Plaintiffs to submit a status report as to whether Plaintiffs will move to augment the administrative. Dkt. 60. In preparation for that filing, Plaintiffs identified for Defendants a number of perceived deficiencies in the record produced thus far—including, *e.g.*, missing native files, redactions that Plaintiffs believe to be overbroad and inconsistent, and the fact that Defendants still have not produced and the “actual keywords used” to identify and select grants for termination, even though they were ordered to so in connection with the expedited discovery. *See* July 2, 2025, Hr’g Tr. at 15:10-11 (The Court: “I will order as part of the expedited discovery the actual keywords used in any keyword search.”).

3. Defendants learned of Plaintiffs’ concerns this afternoon and have begun working to address them. For example, Defendants provided today three native files referenced in the PDF administrative record but inadvertently omitted in the production to Plaintiffs. Defendants also noted that materials protected by the deliberative process privilege are not part of the administrative record under *Blue Mountains Biodiversity Project v. Jeffries*, 99 F.4th 438 (9th Cir. 2024), and how that principle may be affecting the topics Plaintiffs have identified. Defendants look forward to working with Plaintiffs to try and resolve the concerns they have raised and believe the issues can be resolved without the need for briefing.

4. The Parties believe that further meet and confers may be productive to narrow the scope of any potential disputes for resolution.

5. With that in mind, and in light of the Court’s directions at the August 26, 2025, hearing, the Parties have agreed to the following revised schedule for further proceedings:

Event	Current deadline	Parties’ Stipulated Proposal
Defendants’ Opposition to Plaintiffs’ motion to add NIH	9/10/2025	9/10/2025

Plaintiffs' Reply re NIH	9/15/2025	9/15/2025
Hearing on pending motions re DOD/DOT/NIH	9/18/2025	9/18/2025
Administrative Record for NIH	NA	10/24/2025
Status Report re Administrative Record	9/8/2025	10/31/2025
MSJ / Class Cert	10/10/2025	12/22/2025
Opp. MSJ / Class Cert	11/7/2025	2/6/2026
Reply MSJ / Class Cert	11/21/2025	2/20/2026
Hearing	12/16/2025	Court's convenience

THEREFORE, IT IS HEREBY STIPUALTED AND AGREED, by and between the Parties, subject to the Court's approval, that the schedule shall be modified as reflected above.

Dated: September 8, 2025

By: /s/ Kevin Budner

Elizabeth J. Cabraser (CA Bar No. 83151)
ecabraser@lchb.com
Richard M. Heimann (CA Bar No. 63607)
rheimann@lchb.com
Kevin R. Budner (CA Bar No. 287271)
kbudner@lchb.com
Annie M. Wanless (CA Bar No. 339635)
awanless@lchb.com
Nabila M. Abdallah (CA Bar No. 347764)
nabdallah@lchb.com
LIEFF CABRASER HEIMANN &
BERNSTEIN, LLP
275 Battery Street, 29th Floor
San Francisco, CA 94111
Telephone: 415.956.1000

1 Anthony P. Schoenberg (CA Bar No. 203714)
2 tschoenberg@fbm.com
3 Linda S. Gilleran (CA Bar No. 307107)
4 lgilleran@fbm.com
5 Kyle A. McLorg (CA Bar No. 332136)
6 kmclorg@fbm.com
7 Katherine T. Balkoski (CA Bar No. 353366)
8 kbalkoski@fbm.com
9 FARELLA BRAUN + MARTEL LLP
10 One Bush Street, Suite 900
11 San Francisco, CA 94104
12 Telephone: 415. 954.4400

13 Erwin Chemerinsky (*pro hac vice*)
14 echemerinsky@law.berkeley.edu
15 Claudia Polsky (CA Bar No. 185505)
16 cpolsky@law.berkeley.edu
17 U.C. BERKELEY SCHOOL OF LAW
18 Law Building
19 Berkeley, CA 94720-7200
20 Telephone: 510.642.6483

21 *Attorneys for Plaintiffs and the Proposed Class*
22
23
24
25
26
27
28

1 Date: September 8, 2025

By: /s/ Jason Altabet

2 Respectfully submitted,

3 BRETT A. SHUMATE
4 Assistant Attorney General
5 Civil Division

6 ERIC J. HAMILTON
7 Deputy Assistant Attorney General

8 JOSEPH E. BORSON
9 Assistant Branch Director

10 /s/ Jason Altabet
11 JASON ALTABET (Md. Bar No. 2211280012)
12 Trial Attorney, U.S. Department of Justice
13 Civil Division, Federal Programs Branch
14 1100 L Street, N.W.
15 Washington, D.C. 20005
16 Tel.: (202) 305-0727
17 Email: jason.k.altabet2@usdoj.gov

18 *Attorneys for United States*

PURSUANT TO STIPULATION, IT IS SO ORDERED.

September _____, 2025

The Honorable Rita F. Lin
UNITED STATES DISTRICT JUDGE

ATTESTATION PURSUANT TO CIVIL LOCAL RULE 5-1(I)(3)

I, Kevin R. Budner, am the ECF User whose identification and password are being used to file this STIPULATION AND [PROPOSED] ORDER. In compliance with Civil Local Rule 5-1(i)(3), I hereby attest that all signatories have concurred in this filing.

DATED: September 8, 2025

/s/ Kevin R. Budner
Kevin R. Budner