

PETER D. KEISLER
 Assistant Attorney General, Civil Division
 CARL J. NICHOLS
 Deputy Assistant Attorney General
 JOSEPH H. HUNT
 Director, Federal Programs Branch
 ANTHONY J. COPPOLINO
 Special Litigation Counsel
tony.coppolino@usdoj.gov
 U.S. Department of Justice
 Civil Division, Federal Programs Branch
 20 Massachusetts Avenue, NW
 Washington, D.C. 20001
 Phone: (202) 514-4782
 Fax: (202) 616-8460

KARIN J. IMMERGUT, OSB# 96314
 United States Attorney
 District of Oregon
 JAMES L. SUTHERLAND, OSB# 68160
 Assistant United States Attorney
 1000 SW Third Avenue, Suite 600
 Portland, Oregon 97204-2902
 Phone: (503) 727-1194
 Fax: (503) 727-1117
 Email: jim.sutherland@usdoj.gov

Attorneys for the United States of America

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

AL-HARAMAIN ISLAMIC
 FOUNDATION, *et al.*,

CV. 06-274- KI

Plaintiffs,

v.

GEORGE W. BUSH, *et al.*,

Defendants.

**DEFENDANTS' UNOPPOSED MOTION
 FOR SECOND EXTENSION OF TIME
 TO RESPOND TO THE COMPLAINT
 AND TO PLAINTIFFS'
 MOTION TO COMPEL**

LOCAL RULE 7.1(a) CERTIFICATION

The parties have made a good faith effort to resolve this dispute. Defense counsel

conferred with Plaintiffs' counsel by telephone on June 15, 2006. Plaintiffs' counsel have no objection to this request for a short extension of time, but Plaintiffs would like a corresponding extension of time added to their due dates for their responses (to which Defendants do not object).

DEFENDANTS' UNOPPOSED MOTION FOR A SECOND EXTENSION OF TIME

Defendants President George W. Bush, *et al.*, through undersigned counsel, hereby move for an additional short extension of three business days, until Wednesday, June 21, 2006, to file separate responses to the Complaint and to Plaintiffs' Motion to Compel.

Defendants previously sought an extension, until Friday, June 16, 2006, to respond to both the Complaint and to Plaintiffs' Motion to Compel in this case. The Court granted this request but ordered Defendants to file separate responses to the Complaint and to the Motion to Compel. *See* Order (June 7, 2006) [Docket No. 43]. As previously noted, Defendants intend to assert the state secrets privilege in response to both the Complaint and Plaintiffs' Motion to Compel. Defendants are preparing separate responses to these motions — including a response to the Complaint; a response to Plaintiffs' Motion to Compel; and declarations supporting a state secrets privilege assertion. Defendants respectfully request a very short extension of time to finalize these significant and highly sensitive submissions, which require particular care to prepare and the consideration of the relevant agency head.

Defendants have also been simultaneously responding to several deadlines in other challenges to the lawfulness of an intelligence-gathering program undertaken by the National Security Agency — in particular, Defendants had to prepare for and attend oral argument in *American Civil Liberties Union v. National Security Agency, et al.*, Civil Action No. 06-10204 (E.D. Mich.) (ADT), just this past week on June 12, and the United States must file a reply brief

JAMES L. SUTHERLAND, OSB# 68160
Assistant United States Attorney
1000 SW Third Avenue, Suite 600
Portland, Oregon 97204-2902
Phone: (503) 727-1194
Fax: (503) 727-1117
Email: jim.sutherland@usdoj.gov

Attorneys for the United States of America