

1 MELINDA HAAG (CSBN 132612)
United States Attorney
2 ALEX TSE (CSBN 152348)
Chief, Civil Division
3 JAMES A. SCHARF (CSBN 152171)
Assistant United States Attorney

4 150 Almaden Blvd., Suite 900
5 San Jose, California 95113
Telephone: (408) 535-5044
6 Facsimile: (408) 535-5081
Email: james.scharf@usdoj.gov

7 Attorneys for Secretary of the Department of Homeland Security
Jeh Charles Johnson, FBI Director James Comey, and
8 FAA Administrator Michael P. Huerta

9
10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

13
14 ADAM JIBREEL,

15 Plaintiff,

16
17 V

18 HOCK SENG CHIN, et al.,

19 Defendants.

Case No. C 13-3470 LB

ADMINISTRATIVE MOTION,
SUPPORTING DECLARATION, AND
20 ~~PROPOSED~~ ORDER EXTENDING
21 TIME TO RESPOND TO COMPLAINT

22
23 ADMINISTRATIVE MOTION

24 Pursuant to Local Rule 6-3, defendants Secretary of the Department of Homeland Security
25 Jeh Charles Johnson, FBI Director James Comey, and FAA Administrator Michael P. Huerta

26 (“movants”) I hereby request an extension of time for all federal defendants to respond to plaintiff’s

27
28 I Plaintiff sued former Secretary of the Department of Homeland Security Janet Napolitano and
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Administrative Motion, Supporting Declaration, and ~~Proposed~~ Order Extending Time to Respond to
Complaint

1 complaint in this action to and including February 28, 2014. This is movants' first request for additional
2 time to respond to the complaint. A case management conference is set for March 20, 2014.

3 Movants seek an extension of time to and including February 28, 2014 for all federal defendants
4 to respond to the complaint for the following reasons:

5 First, additional time is necessary for the United States Marshals Service ('USMS') to serve the
6 federal defendants. USMS served the United States Attorney's Office for the Northern District of
7 California on November 13, 2013, the United States Attorney General (by certified mail) on November
8 25, 2013, and former FBI Director Robert Swan Mueller III on December 12, 2013. The USMS was not
9 able to serve the foreign defendants and is still in the process of serving the other federal defendants.

10 Second, additional time is necessary to sort out representational issues. Specifically, additional
11 time is needed for the undersigned attorney to obtain authority from the United States Department of
12 Justice to represent Senators Lindsay Graham and Patty Murray. The undersigned attorney anticipates
13 that he will ultimately represent all the federal defendants, except for Representative Pete King, who
14 will be represented by Todd B. Tatelman of the U.S. House of Representatives, Office of General
15 Counsel.

16 Third, additional time is necessary for the undersigned attorney to prepare a motion to dismiss
17 for lack of subject matter jurisdiction and failure to state a claim. Although the complaint appears to
18 lack merit, because plaintiff has sued so many federal defendants, undersigned counsel anticipates that
19 he will need to consult with numerous agency attorneys.

20 Undersigned counsel attempted to meet and confer with plaintiff about this requested extension
21 before filing this administrative motion. By letter dated December 31, 2013, undersigned counsel asked
22 plaintiff to call him by close of business on Friday, January 3, 2014, if plaintiff objected to the requested
23 extension of time. Plaintiff did not respond to that letter.

25 former FBI Director Robert Swan Mueller III. Pursuant to Federal Rule of Appellate Procedure 43(c)
26 (2), current Secretary of the Department of Homeland Security Jeh Charles Johnson and current FBI
Director James Comey are automatically substituted in for their predecessors.

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1 Mr. Tatelman joins movants' request on behalf of Congressman King.

2 Accordingly, movants request an extension of time for all federal defendants to respond to
3 plaintiff's complaint in this action to and including February 28, 2014. Undersigned counsel anticipates
4 that Mr. Tatelman will also file a motion to dismiss on behalf of Congressman King on or before that
5 date. This extension of time would not prejudice plaintiff because, among other reasons, the Court has
6 already continued the initial Case Management Conference to March 20, 2014, because of service
7 issues.

8
9 Respectfully submitted,

10 DATED: January 6, 2014

MELINDA HAAG
United States Attorney

11
12 /S/
13 JAMES A. SCHARF
14 Assistant United States Attorney
15 Attorneys for Secretary of the Department of Homeland
16 Security Jeh Charles Johnson, FBI Director James Comey,
17 and FAA Administrator Michael P. Huerta

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DECLARATION OF JAMES A. SCHARF

I, James A. Scharf, declare as follows:

1. I am an Assistant United States Attorney for the Northern District of California. I currently
represent defendants Secretary of the Department of Homeland Security Jeh Charles Johnson, FBI
Director James Comey, and FAA Administrator Michael P. Huerta in this action. I anticipate that I will
ultimately represent all the federal defendants, except for defendant Congressman Pete King.

2. By e-mail dated January 3, 2014, Christian Hanson of the United States Marshals Service
("USMS") informed me that the USMS served the United States Attorney's Office for the Northern
District of California on November 13, 2013, the United States Attorney General (by certified mail) on
November 25, 2013, and former FBI Director Mueller on December 12, 2013. Mr. Hanson further

1 stated in that e-mail that the USMS will not be able to serve the foreign defendants and was still in the
2 process of serving the other federal defendants.

3 3. I am informed and believe that Senators Lindsay Graham and Patty Murray have (or soon
4 will) request the United States Department of Justice to authorize me to represent them in this action.
5 This process will take at least a few weeks and perhaps longer.

6 4. I am informed and believe that Congressman King will be represented by Todd B. Tatelman.
7 Mr. Tatelman informed me that he joins this administrative motion on behalf of Congressman King.

8 5. In this action, plaintiff has sued President Obama, two United States Senators, a United States
9 Congressman, the heads (or former heads) of four separate federal agencies, and two foreign officials.
10 Although the complaint does not appear to have any discernible merit, I will need to consult with
11 numerous agency attorneys in preparing a motion to dismiss. I first spoke with some of these agency
12 attorneys on December 30, 2013.

13 6. I was not able to call or e-mail plaintiff because I don't have his telephone number or e-mail
14 address. By letter dated December 31, 2013, I asked plaintiff to call me by close of business on Friday,
15 January 3, 2014, if plaintiff objected to the requested extension of time. To date, plaintiff did not
16 respond to my letter.

17 7. This case is scheduled for a case management conference on March 20, 2014.

18 8. On or before February 28, 2014, along with a motion to dismiss, I intend to file a motion to
19 vacate or continue that case management conference pending adjudication of the motions to dismiss
20 because the disposition of those motions will inform and impact case management issues, if not
21 eliminate them altogether.

22 I declare under penalty of perjury under the laws of the United States that the foregoing is true
23 and correct.

24 Executed this 6th day of January, 2014, at San Jose, California.

25 /S/
26 JAMES A. SCHARF

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Complaint

1 [PROPOSED] ORDER

2 Good appearing, the deadline for all federal defendants to respond to the complaint in this action
3 is hereby extended to February 28, 2014.

4 IT IS SO ORDERED.

5
6 Dated: January 7, 2014



7 Hon. Laurel Beeler
8 United States Magistrate Judge