

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

NATIONAL SECURITY ARCHIVE,)	
)	
Plaintiff,)	
)	
v.)	
)	No. 06cv01080 (GK)
THE CENTRAL INTELLIGENCE AGENCY, <u>et al.</u> ,)	
)	
Defendants.)	
)	

DEFENDANTS’ MOTION FOR A SECOND ENLARGEMENT OF TIME

Defendants respectfully move this Court for a second enlargement of time to answer or otherwise respond to Plaintiff’s complaint on or before September 8, 2006. Plaintiff’s counsel agrees to a one-week extension, until August 23, 2006, solely to allow Defendants additional time to file their answer, but Plaintiff opposes an extension longer than one week and does not believe that Defendants’ interest in exploring settlement is a reason for postponing Defendants’ answer date. As discussed below, Defendants believe good cause exists for this request for an extension to and including September 8, 2006.

Plaintiff’s complaint raises challenges under the Administrative Procedure Act and the Freedom of Information Act (“FOIA”) to Defendants’ application of Central Intelligence Agency (“CIA”) regulation 32 C.F.R. § 1900.02(h)(3) to certain of Plaintiff’s requests for favorable fee treatment under FOIA. Defendants’ answer or other response to the complaint is currently due on August 16, 2006. After discussion with agency counsel for the CIA, undersigned counsel believes that resolution of this matter without Court intervention is likely, and requests additional time to engage in settlement discussions with Plaintiff’s counsel. Additional time is

also necessary because CIA agency counsel has been out of the office this week and unavailable to discuss possible settlement terms due to unexpected and unrelated CIA matters. For the same reason, CIA agency counsel has been unavailable to discuss, in the event settlement talks fail, Defendants' answer or possible other response to the complaint. Given that September 4, 2006, is also Labor Day, a federal holiday, Defendants are requesting up until September 8, 2006, to answer or otherwise respond to the complaint.

Finally, this request for an extension of time will not prejudice any party, as in the event the parties cannot agree on settlement terms, Plaintiff and Defendants have already reached agreement upon a briefing schedule for the filing of dispositive cross-motions. See Defendants' Consent Motion for Enlargement of Time at Docket entry [9]. If settlement by the parties cannot be reached, pursuant to that agreement, the parties will jointly seek a briefing schedule for dispositive cross-motions to be filed on or before September 8, 2006. Id.

WHEREFORE, based on the foregoing, Defendants respectfully requests that the time for answering or otherwise responding to Plaintiff's complaint be extended to and including September 8, 2006.

Dated: August 15, 2006

Respectfully submitted,

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Assistant Attorney General

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Assistant Branch Director

_____/s/_____
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Defendants.)	

THIS MATTER having come before the Court on Defendants' Motion for a Second Enlargement of Time to answer or otherwise respond to Plaintiff's complaint by September 8, 2006, it is hereby

ORDERED that Defendants' Motion is GRANTED.

SO ORDERED.

Dated: _____