

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

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| NATIONAL SECURITY ARCHIVE, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Civil Action No. 1:06cv01080 |
| |) | |
| THE CENTRAL |) | |
| INTELLIGENCE AGENCY, <i>et al.</i> |) | |
| |) | |
| Defendants. |) | |
| |) | |

CONSENT MOTION FOR ENLARGEMENT OF TIME

Defendants respectfully move this Court, with consent of plaintiff, to be permitted to answer or otherwise plead in response to plaintiff’s Complaint (Docket Entry No. 1) on or before August 16, 2006. Good cause exists for this Motion.

Plaintiff filed its Complaint in this Court on June 14, 2006, and attempted to serve it upon defendants pursuant to Federal Rule of Civil Procedure 4(i) including by, *inter alia*, attempting to serve it upon the U.S. Attorney for the District of Columbia. Although plaintiff sent its Complaint via certified U.S. Postal Service mail to the U.S. Attorney, it was never received by his office but, instead, was apparently received by another Department of Justice mailroom. Undersigned counsel did not receive a copy of plaintiff’s Complaint until the afternoon of Friday, July 14. Based upon the return of service filed by plaintiff, however, (which includes a certified mail return receipt bearing the signature-stamp of an employee of the Main Department of Justice mailroom, not an employee of the U.S. Attorney’s office), defendants’ Answer is due on Monday, July 17.

Plaintiff's Complaint raises challenges under the Administrative Procedure Act and the Freedom of Information Act ("FOIA") to defendants' application of a Central Intelligence Agency ("CIA") regulation, 32 C.F. R. § 1900.02(h)(3), to requests by plaintiff for favorable treatment of certain FOIA requests they have made of the CIA. The time requested is necessary for defendants to fully investigate, research, consider and respond to plaintiff's factual and legal allegations.

Pursuant to LCvR 7(m), undersigned counsel conferred via telephone with counsel for plaintiff, David S. Mendel, on July 14 and 17, 2006. Counsel for plaintiff stated that plaintiff takes the position that service was properly made on the U.S. Attorney for the District of Columbia on June 16, 2006, requiring defendants' answer on July 17, 2006, but that plaintiff does not object to the relief sought in this Motion. Moreover, as counsel discussed, the parties anticipate that this action can be resolved by cross-dispositive motions. Accordingly, the parties anticipate that, subsequent to August 16, 2006, they jointly will seek a briefing schedule for such cross-motions as follows: cross-motions to be filed on or before September 8, 2006; responses to be filed on or before October 6, 2006; and replies to be filed on or before October 25, 2006.

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WHEREFORE, for good cause shown, defendants, with consent of plaintiffs as to the relief sought, ask this Court to grant defendants' Motion for Enlargement of Time and permit defendants to answer or otherwise plead in response to plaintiff's Complaint on or before August 16, 2006.

Dated: July 17, 2006

Respectfully submitted,

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