

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

PETER B.)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 1:06CV01652 (RWR)
)	
CENTRAL INTELLIGENCE AGENCY,)	
et al.,)	
)	
Defendants.)	
)	
)	
)	

**UNOPPOSED MOTION FOR AN EXTENSION OF TIME
FOR CIA TO RESPOND TO AMENDED COMPLAINT**

Defendant Central Intelligence Agency ("CIA") moves to extend the time to file a response to plaintiff's amended complaint from February 2, 2007, to March 26, 2007. Defendant avers the following in support thereof:

1. On December 11, 2006, CIA filed a motion, pursuant to Fed. R. Civ. P. 12(b)(3) and 28 U.S.C. § 1406, to dismiss this action because venue is not proper in the District of Columbia or, in the alternative, to transfer the action to the Eastern District of Virginia pursuant to 28 U.S.C. § 1404(a).

2. On December 29, 2006, this Court granted plaintiff's motion for an extension of time to respond to this motion to dismiss. Under the order, plaintiff was required to submit his response to the CIA for classification review on or before to January 8, 2007, and then file his response after it had been reviewed by CIA to insure that it did not contain any classified information.

3. Instead of filing a response to CIA's motion, plaintiff submitted to the CIA an

amended complaint for classification review on January 8, 2007. Plaintiff then filed the amended complaint on January 19, 2007.

4. Plaintiff's amended complaint added a new defendant – General Michael Hayden, Director of the Central Intelligence Agency — and four new counts. The amended complaint also increased the number of paragraphs of allegations from 60 to 114.

5. This Court should grant an extension until March 26, 2007, for at least three reasons:

- (a) First, since the amended complaint expanded the scope and nature of the allegations and claims, counsel for CIA needs additional time to review and respond to the new allegations and claims.
- (b) Second, additional time is required because defendant's counsel has conflicting deadlines in other cases, and will be out of town at least twice in February for hearings in other cases.
- (c) Third, extending the time for CIA to respond to the complaint permits the CIA and the new defendant – General Hayden – to file a consolidated response. Under Fed. R. Civ. P. 12(a)(3), General Hayden has 60 days to respond to the complaint. Because the responses are likely to consist, in whole or in part, of motions to dismiss, extending the time for CIA to respond avoids multiple briefing.

6. CIA has not sought any previous extensions of time in this case.

7. Counsel for defendants consulted plaintiff's counsel Mark S. Zaid regarding this extension, and he stated that plaintiff does not oppose this extension.

Respectfully submitted,

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