

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

MICHAEL NEWDOW, <u>et al.</u> ,	)	
	)	
Plaintiffs,	)	
	)	Civil Action No.
v.	)	1:08-cv-02248-RBW
	)	
HON. JOHN ROBERTS, JR., <u>et al.</u> ,	)	
	)	
Defendants.	)	

**THE FEDERAL DEFENDANTS' UNOPPOSED  
MOTION FOR EXTENSION OF TIME**

Defendants, the Honorable John Roberts, Jr., Chief Justice of the United States, the Joint Congressional Committee on Inaugural Ceremonies (“JCCIC”), Senator Dianne Feinstein, Chairperson, JCCIC, the Armed Forces Inaugural Committee (“AFIC”), and Major General Richard J. Rowe, Jr., Chairperson, AFIC (collectively, the “Federal Defendants”), respectfully request a brief extension of time, from 5:00 p.m. Wednesday, January 7, until noon Thursday, January 8, 2009, to file their opposition to Plaintiffs’ Motion for Preliminary Injunction (Dkt. No. 4). The Federal Defendants have conferred with counsel for plaintiffs, and counsel for defendants Presidential Inaugural Committee (“PIC”) and Emmett Beliveau, Executive Director, PIC,<sup>1/</sup> and have been advised that these parties do not object to the relief requested herein. In support of this request, the Federal Defendants say as follows:

1. On Monday, January 5, 2009, plaintiffs filed their motion for a preliminary injunction, seeking (1) to prohibit Chief Justice John Roberts, Jr., from appending the phrase “so

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<sup>1/</sup> The PIC, its Executive Director, the Reverend Rick Warren, and the Reverend Joe Lowery, are private-party defendants and are not represented in this matter by the Department of Justice. See *Newdow v. Bush*, 355 F. Supp. 2d 265, 291 n.33 (D.D.C. 2005).

help me God” to the presidential oath of office to be administered to President-Elect Barack Obama during his inauguration on January 20, 2009, and (2) to prohibit the remaining defendants from permitting or participating in clergy-led prayer during the inaugural ceremony.

2. The Court thereupon issued a scheduling order (Dkt. No. 6) directing all defendants to file any opposition to plaintiffs’ motion by 5:00 p.m. on Wednesday, January 7, 2009, and plaintiffs to file any reply in support of their motion by 5:00 p.m. on Friday, January 9, 2009. The Court also scheduled a hearing on plaintiffs’ motion for Thursday, January 15, 2009, at 2:00 p.m.

3. Since receiving the Court’s order yesterday afternoon, the Federal Defendants have been working diligently to prepare their opposition to plaintiffs’ extraordinary request for preliminary injunctive relief in time to meet the Court’s deadline. At this time, however, the Federal Defendants anticipate that they may be unable complete several tasks important to their opposition within the time allowed under the Court’s scheduling order.

4. In particular, the Federal Defendants are attempting to prepare several declarations documenting a number of facts that could bear materially on the justiciability of plaintiffs’ claims. The preparation of these declarations (and the legal arguments they will support) requires coordination between counsel and numerous client agencies cutting across all three branches of the Federal Government, and separately, as well, with the PIC.

5. In addition, the Federal Defendants are attempting to conduct historical research that could bear on the merits of plaintiffs’ claims (were the Court to reach them).

6. Notwithstanding best efforts by the Federal Defendants to accomplish these tasks, they have concluded that it may not be possible at this point to prepare the aforementioned

declarations, or to complete their historical research, in time for their opposition due tomorrow at 5:00 p.m.

7. Mindful, however, of the need for expedition, the Federal Defendants seek only a short extension of time to file their opposition, until noon Thursday, January 8, 2009, and have no objection to a corresponding extension of time for plaintiffs to file their reply, until noon Saturday, January 10, 2009. The Federal Defendants do not seek to alter the time scheduled for the hearing on plaintiffs' motion for preliminary relief.

8. Pursuant to LCvR 7(m), counsel for the Federal Defendants have conferred by telephone with counsel for plaintiffs, and with counsel for the PIC and Executive Director Beliveau, and were advised that these parties do not object to the relief requested herein.

WHEREFORE, the Federal Defendants' request for a short extension of time, until noon Thursday, January 8, 2009, to file their opposition to Plaintiffs' Motion for Preliminary Injunction, should be granted.

Dated: January 6, 2009

Respectfully submitted,

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