

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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NASSER AL-AULAQI, on his own behalf and as next)	
friend acting on behalf of ANWAR AL-AULAQI)	
)	
Plaintiff,)	Civ. A. No. 10-cv-1469
)	(JDB)
v.)	
)	
BARACK H. OBAMA, President of the United States;)	
ROBERT M. GATES, Secretary of Defense; and)	
LEON E. PANETTA, Director of the Central Intelligence Agency,)	
)	
Defendants.)	
)	
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MOTION FOR AN EXTENSION OF TIME OF ONE BUSINESS DAY

Defendants Barack H. Obama, President of the United States, Leon E. Panetta, Director of the Central Intelligence, and Robert M. Gates, Secretary of Defense, hereby move for a one-business day extension of time to file their reply in support of their previously filed motion to dismiss (Dkt. No. 15). Pursuant to Local Rule 7(d), defendants may file a reply memorandum in support of their motion to dismiss within seven days after service of a memorandum in opposition. Plaintiff in this case filed a memorandum in opposition to defendants’ motion to dismiss on Friday, October 8, 2010; accordingly, defendants’ reply memorandum is due on Friday, October 15, 2010.

However, in light of the length of plaintiffs’ opposition brief (49 pages), the assertion of at least one new argument (in support of third party standing), the significance of all the other issues raised, the need for the Government to coordinate its reply among several agencies and officials, and the unavailability of some agency officials due to the legal holiday on Monday,

October 11, 2010, defendants ask that they be allowed one additional business day to file their reply. The filing of a reply by 4:00pm on Monday, October 18, 2010 should not result in any prejudice where argument on the pending motions will be held four days later on Friday, October 22, 2010 at 2:00pm.

Counsel for the parties have conferred regarding defendants' motion for an extension of time. Plaintiff's counsel opposes allowing defendants until 4:00pm on Monday, October 18, 2010 to file their reply, but would consent to defendants filing their reply by 8:00am on Sunday, October 17, 2010. Accordingly, in the event that this Court denies this motion for an extension of one business day, defendants respectfully request that the Court grant them an extension until 8:00am on Sunday, October 17, 2010 to file their reply.

WHEREFORE, defendants respectfully request that the Court enter the attached order, granting them one additional business day to file a reply in support of their previously filed motion to dismiss.

Respectfully submitted this 13th day of October, 2010.

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