

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

LARRY KLAYMAN, *et. al*

Plaintiffs,

v.

BARACK HUSSEIN OBAMA II, *et. al*

Defendants.

Civil Action No. 13-CV-851

MOTION FOR LEAVE TO TAKE FRCP RULE 30(b)(6) DEPOSITION

The government has informed Plaintiffs that they are intending to move for an extension of time to respond to Plaintiffs' Motion for Preliminary Injunction, filed on October 28, 2013, requesting an extension up to, and including, the date the government's answer is due on December 2, 2013. Pursuant to Local Rule 65.1(c), any opposition to a Motion for Preliminary Injunction "shall be served and filed within seven days after service of the application for preliminary injunction." The reason for the "seven-day" deadline is due to the fact that preliminary injunctive relief is to remedy ongoing serious injury on an expedited basis.

Recently, Plaintiffs, and the American people, have learned that the government's warrantless, mass surveillance was far more pervasive and widespread than initially disclosed by Edward Snowden and *The Guardian*. Thus, there are exigent circumstances necessitating a hearing regarding Plaintiffs' Motion for a Preliminary Injunction and for this court to preliminarily enjoin Defendants.

Plaintiff initially opposed the government's request for an extension of time to respond to Plaintiffs' Motion for Preliminary Injunction. However, to expedite the process and to adduce testimony at the hearing for injunctive relief, Plaintiffs will agree to the extension if this court

will grant Plaintiffs leave to take discovery pursuant to Federal Rules of Civil Procedure ("FRCP") Rule 30(b)(6) by deposing an employee of the NSA. This will streamline the process by allowing Plaintiffs an opportunity to gather necessary information to present at the hearing. Defendants are uniquely in control of the facts, information, documents, and evidence regarding the extent and nature of their mass surveillance, particularly since the whistleblower behind the NSA surveillance revelation, Edward Snowden, (who disclosed classified details of several top secret U.S. mass surveillance programs to the press) is currently exiled from the United States. Plaintiffs will also agree to push back the date of the hearing to mid-December, should the court grant Plaintiffs leave to conduct such discovery.

Otherwise, Plaintiffs respectfully oppose Defendants' request for an extension of time to file their response to Plaintiffs' Motion for a Preliminary Injunction, as Defendants' request is nothing more than a delay tactic. Defendants' request for an extension of time to oppose Plaintiffs' request for injunctive relief is absolutely unnecessary since they have already done the substantive work, having already filed a copious brief in opposition to the ACLU's Motion for a Preliminary Injunction (*ACLU v. Clapper, et al.*, Case No. 13-cv-03994 (S.D.N.Y., June 11, 2013)), a case that is similar to, and has overlapping issues with, this instant action. See Exhibit 1.

Plaintiff contacted the government Defendants' counsel on October 29, 2013 to seek consent for this motion. Defendants' counsel indicated that they oppose this motion.

Dated: October 30, 2013

Respectfully submitted,

/s/ Larry Klayman

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 30th day of October, 2012 a true and correct copy of the foregoing Motion For Leave To Take FRCP Rule 30(B)(6) Deposition (Civil Action No. 13-cv-851) was submitted electronically to the District Court for the District of Columbia and served via CM/ECF upon the following:

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Respectfully submitted,
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