

UNITED STATES DISTRICT COURT  
DISTRICT OF COLUMBIA

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LARRY KLAYMAN, <i>et al.</i> ,		)	
		)	
	Plaintiffs,	)	Civil Action No.
		)	1:13-cv-00851-RJL
	v.	)	
		)	
BARACK OBAMA, President of the		)	
United States, <i>et al.</i> ,		)	
		)	
	Defendants.	)	
<hr/>		)	
LARRY KLAYMAN, <i>et al.</i> ,		)	
		)	
	Plaintiffs,	)	Civil Action No.
		)	1:13-cv-00881-RJL
	v.	)	
		)	
BARACK OBAMA, President of the		)	
United States, <i>et al.</i> ,		)	
		)	
	Defendants.	)	
<hr/>		)	

**GOVERNMENT DEFENDANTS’ UNOPPOSED MOTION FOR AN ENLARGEMENT  
OF THE PAGE LIMITATION TO OPPOSE IN ONE FILING PLAINTIFFS’ TWO  
MOTIONS FOR PRELIMINARY INJUNCTIONS**

Defendants Barack Obama, President of the United States, Eric Holder, Attorney General of the United States, and General Keith B. Alexander, Director of the National Security Agency (NSA), insofar as they are sued in their official capacities, together with defendants NSA and the United States Department of Justice (collectively, the “Government Defendants”), hereby move to enlarge the page limitation for their combined opposition to Plaintiffs’ two preliminary injunction motions from 45 to 65 pages. In support of this motion, which Plaintiffs do not oppose, the Government Defendants submit the following:

1. On June 6 and June 12, 2013, Plaintiffs filed Complaints against the Government Defendants. *See Klayman v. Obama* (Civ. Action No. 13-851) (*Klayman I*), Dkt. No. 1; *Klayman v. Obama* (Civ. Action No. 13-881) (*Klayman II*), Dkt. No. 1.
2. Almost five months later, on October 29, 2013, Plaintiffs filed separate motions seeking the issuance of preliminary injunctions in each of the above-captioned cases. *See Klayman I*, Dkt. No. 13; *Klayman II*, Dkt. No. 10.
3. This Court held a status conference on October 31, 2013, during which it set November 11, 2013 as the date for the Government Defendants to oppose both of Plaintiffs' preliminary injunction motions; in accordance with the Court's remarks at the conference, the Government Defendants will file one combined opposition to those motions.
4. Local Rule 7(e) provides that a "memorandum of points and authorities in support of or in opposition to a motion shall not exceed 45 pages."
5. The Government Defendants seek an enlargement of this page limit to 65 pages to account for the fact that they are opposing two motions (totaling 64 pages) in one filing and that these motions raise complex issues involving national security, statutory authority, and constitutional law, and are issues of significant public interest, as the Court noted at the status conference.
6. In their opposition to Plaintiffs' preliminary injunction motions, the Government Defendants will explain the statutory background for the three provisions of the Foreign Intelligence Surveillance Act (FISA) at issue here, as Plaintiffs did not do so, and explain how the challenged Government intelligence-gathering activities function under these statutory provisions. The Government Defendants' opposition will also address why Plaintiffs do not have standing to seek injunctive relief, why they cannot show irreparable

harm, and why judicial review of Plaintiffs' claims have been impliedly precluded by Congress. The opposition will also explain why the challenged programs do not exceed the Government's statutory authority and do not violate the First, Fourth, and Fifth Amendments.

7. By way of comparison, the Government Defendants note that in the Southern District of New York, in *ACLU v. Clapper*, civ no. 13-cv-03994-WHP, they filed a 40-page opposition to one preliminary injunction motion (Dkt. No. 61) that challenged only one FISA-authorized surveillance program, and the court there already had the benefit of a motion to dismiss outlining the relevant statutory background for the challenged program.
8. Although the Government Defendants have made every effort to address all of the issues raised by Plaintiffs' two motions within the page limitation of a single opposition, they have not been able to do so.
9. Consequently, the Government Defendants respectfully request that the Court enlarge the page limit from 45 to 65 pages to allow them to fully apprise the Court of the issues and to adequately address all of the legal arguments involved in these two cases.
10. Pursuant to Local Rule 7(m), the Government Defendants conferred with counsel for Plaintiffs regarding the relief they seek in this motion. Plaintiffs advised that they do not oppose the page enlargement on the condition that the Government Defendants would not oppose a similar request by Plaintiffs to seek an enlargement of the page limit for their Reply from 25 to 50 pages. The Government Defendants do not oppose such an enlargement.

Dated: November 8, 2013

Respectfully submitted,

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Deputy Branch Director

*/s/ Rodney Patton*

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