

**UNITED STATES DISTRICT COURT
DISTRICT OF COLUMBIA**

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.)	
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.)	
)	

**GOVERNMENT DEFENDANTS’ OUT-OF-TIME MOTION FOR AN EXTENSION OF
41 MINUTES AND 55 MINUTES, RESPECTIVELY IN THE ABOVE-CAPTIONED
ACTIONS, TO FILE THEIR COMBINED OPPOSITION TO 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 out of time for a 41 minute and 55 minute extension of time, *nunc pro tunc*, to file their Opposition to Plaintiffs’ Motions for Preliminary Injunctions in the two above-captioned actions. In support of this motion, the Government Defendants submit the following:

1. This Court held a status conference on October 31, 2013, during which it set the deadline for the Government Defendants to oppose both of Plaintiffs' preliminary injunction motions (*Klayman v. Obama*, Civ. Action No. 13-851, Dkt. No. 13 (*Klayman I*); *Klayman v. Obama*, Civ. Action No. 13-881, Dkt. No. 10 (*Klayman II*)).
2. Contrary to Plaintiffs' assertion in their recent filings that the Government Defendants' deadline was the close of business on November 11, *e.g.*, *Klayman I*, Dkt. No. 26, the Court actually set the filing deadline as midnight on November 11.
3. Due to technical difficulties involving the table of authorities in their 65-page brief, the Government Defendants were unable to meet the midnight deadline set by the Court.
4. The Government Defendants filed their brief, with 19 attached exhibits, on the Court's Electronic Case Filing system 41 minutes after midnight in *Klayman I* (Dkt. No. 25) and 55 minutes late in *Klayman II* (Dkt. No. 21).
5. Pursuant to Local Rule 7(m), the Government Defendants conferred with counsel for Plaintiffs regarding the relief they seek in this motion. Plaintiffs' counsel advised that they do not consent to this motion.

For the reasons set forth above, the Government Defendants move out of time for a 41 and 55 minute extension of time, *nunc pro tunc*, to file their Opposition to Plaintiffs' Motions for Preliminary Injunctions in the above-captioned actions.

Dated: November 13, 2013

Respectfully submitted,

STUART F. DELERY
Assistant Attorney General

JOSEPH H. HUNT
Director, Federal Programs Branch

ANTHONY J. COPPOLINO
Deputy Branch Director

/s/ Rodney Patton
JAMES J. GILLIGAN
Special Litigation Counsel
james.gilligan@usdoj.gov
MARCIA BERMAN
Senior Trial Counsel
BRYAN DEARINGER
RODNEY PATTON
Trial Attorneys
U.S Department of Justice
Civil Division, Federal Programs Branch
20 Massachusetts Ave., N.W., Room 6102
Washington, D.C. 20001
Phone: (202) 305-7919
Fax: (202) 616-8470
Rodney.Patton@usdoj.gov

Counsel for the Government Defendants