

**IN THE UNITED STATES DISTRICT COURT
FOR THE 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.)	

**MOTION FOR AN EXTENSION
OF TIME TO RESPOND TO THE COMPLAINT**

The Government Defendants¹ hereby move for an extension of time from December 2 to December 16, 2013, to file their response to the complaint in the above-captioned action. In the interest of judicial economy, the Government Defendants submit that the deadline for the Verizon Defendants to respond to the complaint should likewise be extended. The Verizon Defendants concur. For the reasons stated below, the Government Defendants’ request should be granted.

1. The amended complaint in this action filed on June 9, 2013, ECF No. 4, was served on the Office of the United States Attorney for the District of Columbia on October 2, 2013. Consequently, under Fed. R. Civ. P. 12(a)(2), the Government Defendants are due to file their response to the amended complaint on December 2, 2013.

¹ The “Government Defendants” are 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.

2. Plaintiffs have moved for leave to file a second amended complaint. *See* ECF No. 33. If that motion is granted, the Government Defendants' response to the second amended complaint would be due fourteen (14) days thereafter.

3. The complaint in the companion case to this action, *Klayman v. Obama*, No. 13-881 (RJL) (D.D.C.) was served on the Office of the United States Attorney for the District of Columbia on October 16, 2013. No. 13-881, ECF No. 1. Consequently, under Fed. R. Civ. P. 12(a)(2), the Government Defendants are due to file their response to the complaint in case no. 13-881 on December 16, 2013. Plaintiffs have also moved for leave to amend the complaint in that case, but it does not appear, if leave to file is granted in the near term, that this amendment will alter the December 16 deadline for the Government Defendants' response in that case.

4. The Government Defendants anticipate at this time that they will move to dismiss both this case and the companion case in lieu of answering. Given the significant extent to which the issues overlap in the two cases, it would serve the interests of judicial economy, and reduce the burdens of litigation on the Court and the parties, if the Government Defendants were permitted to file a combined motion to dismiss both cases. To that end, the Government Defendants seek an extension until December 16, 2013, of their deadline to respond to the complaint in case no. 13-851.

5. It would also serve the interests of efficiency and economy if the current December 2, 2013, deadline for the Verizon Defendants to respond to the complaint were also extended to December 16, 2013, so that the anticipated motion of the Verizon Defendants to dismiss the complaint can be briefed and decided on the same schedule as the motion of the Government Defendants. (Counsel for the Verizon Defendants have authorized us to represent

that they concur in this view and request that their deadline to respond to the complaint be extended to coincide with that of the Government Defendants.)

5. Pursuant to Local Rule 7(m), counsel for the Government Defendants conferred by electronic mail with Plaintiffs' counsel to ascertain whether Plaintiffs agree to the extension requested herein for all served defendants. Counsel for Plaintiffs advised that they consent to the requested extension on condition that the Government Defendants consent to their pending requests for leave to amend the complaints in this case and in case no. 13-881, and to their submission for the record in both cases of the Affidavit of David M. Siler. The Government Defendants hereby consent to Plaintiffs' requests for leave to amend in both cases, and to the filing of the Siler affidavit.²

6. Granting the extension requested herein will not unduly delay the resolution of this or the companion case, or prejudice any party to either action.

For the foregoing reasons, the request herein for an extension until December 16, 2013, for the Government and Verizon Defendants to file their respective responses to the complaint in this action should be granted.

² Plaintiffs' counsel did not respond to an e-mail from the Verizon Defendants' counsel separately requesting Plaintiffs' position on an extension specifically for the Verizon Defendants.

Dated: November 20, 2013

Respectfully Submitted,

STUART F. DELERY
Assistant Attorney General

JOSEPH H. HUNT
Director, Federal Programs Branch

ANTHONY J. COPPOLINO
Deputy Branch Director

/s/ James J. Gilligan

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) 514-3358
Fax: (202) 616-8470

Counsel for the Government Defendants