

**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.)	

**UNOPPOSED MOTION FOR AN EXTENSION OF TIME TO FILE
THE GOVERNMENT DEFENDANTS’ ANSWER IN *KLAYMAN I***

The Government Defendants¹ hereby move for a four-day extension of time to file an answer in the above-captioned action (“*Klayman I*”) from February 10 to February 14, 2014. Plaintiffs do not object to the extension of time sought herein. For the reasons stated below, the Government Defendants’ request should be granted.

1. During the February 3, 2014, status conference held in this action and in *Klayman v. Obama*, No. 13-0881 (RJL) (“*Klayman IP*”), the Court denied as moot the Government Defendants’ Partial Motion to Dismiss (*Klayman I*, ECF No. 68) (*Klayman II*, ECF No. 51) so far as it applied to claims asserted in *Klayman I*, and directed the Government Defendants to file their answer in *Klayman I* one week thereafter, by February 10, 2014. The Court also directed Plaintiffs to amend their Class Action Second Amended Complaint in *Klayman I* (ECF No. 37) to conform it to their withdrawal of their tort, Stored Communications Act (SCA), and

¹ The “Government Defendants” in *Klayman I* 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.

Administrative Procedure Act (APA) claims, as stated in Plaintiffs' Opposition to Government Defendants' Partial Motion to Dismiss (*Klayman I*, ECF No. 74) (*Klayman II*, ECF No. 56).

2. Plaintiffs filed their Third Amended Complaint in *Klayman I* at 9:50 p.m. on the night of Wednesday, February 5, 2014 (ECF No. 76). In accordance with the Court's instruction, the Third Amended Complaint included no tort, SCA, or APA-based claims and pled only constitutional claims under the First, Fourth, and Fifth Amendments. However, Plaintiffs' Third Amended Complaint purported to add five new agency and official defendants to the case (the Federal Bureau of Investigation (FBI), the Central Intelligence Agency (CIA), the Director of the FBI, the Director of Central Intelligence, and the Director of National Intelligence); to add new claims regarding alleged bulk collection of Internet metadata and alleged collection of communications content under section 702 of the Foreign Intelligence Surveillance Act; and to add new factual allegations in support of the newly added claims. Notwithstanding these additions, in accordance with the Court's instruction the Government Defendants began preparing an answer to the Third Amended Complaint.

3. On Friday, February 7, 2014, the Court issued a Minute Order in *Klayman I* striking the Third Amended Complaint from the record, and ordering Plaintiffs to re-file their amended complaint consistent with the Court's instructions at the February 3 status conference. Noting that the Court had denied the Government Defendants' Partial Motion to Dismiss in *Klayman I* as moot based on Plaintiffs' representation that they had withdrawn certain legal claims (as noted above), the Court ordered further that the re-filed amendment to Plaintiffs' complaint not include new defendants, facts, or legal claims.

4. Plaintiffs did not re-file their amendment to the complaint in *Klayman I*, as directed by the Court, until today, February 10, 2014, at 2:42 p.m. Third Amended Complaint

(*Klayman I*, ECF No. 77). It is therefore not practicable for the Government Defendants' counsel to prepare, and multiple client agencies to review, an answer to the just re-filed Third Amended Complaint within the time remaining under the Court's deadline. Accordingly, the Government Defendants seek a four-day extension until Friday, February 14, 2014, to file their answer. The requested extension is consonant with the time originally granted by the Court (one week) for the Government Defendants to file their answer.

5. Pursuant to Local Rule 7(m), undersigned counsel for the Government Defendants conferred with Plaintiffs' counsel, and was advised that Plaintiffs do not object to an extension until Friday, February 14, 2014, for the Government Defendants to file their answer.

For the foregoing reasons, the request herein for an extension of time to file the Government Defendants' answer to the Third Amended Complaint in *Klayman I* until February 14, 2014, should be granted.

Dated: February 10, 2014

Respectfully Submitted,

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