

Exhibit 1

IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

Larry Elliott Klayman, et al.,

Appellees-Cross-Appellants,

v.

Barack Hussein Obama, et al.,

Appellants-Cross-Appellees.

Nos. 14-5004, 14-5005,
14-5016, 14-5017

**REPLY IN SUPPORT OF MOTION FOR EXTENSION
OF TIME TO FILE DISPOSITIVE MOTIONS**

The government has moved for an extension of time to file dispositive motions in this case. As the government's motion explained, the intelligence-gathering program the district court preliminarily enjoined has been significantly changed. An extension of time is warranted to give the government sufficient opportunity to assess whether a dispositive motion would be appropriate in light of the changes to the program.

Plaintiffs, in opposing the motion, miss the point when they contend that the government "has the means" (Opp. 3) to file a dispositive motion

by an earlier date. As the motion explained, the President has announced, and the Foreign Intelligence Surveillance Court has adopted, significant changes to the program, and further developments may include additional changes. An extension is warranted to permit the government to assess whether filing a motion would be appropriate in light of the most current information about the program.

Plaintiffs also say that the government “lied” in stating that plaintiffs are no longer pursuing their statutory claims in district court. Opp. 2. Plaintiffs do not explain why they believe that statement is inaccurate and do not contradict the government’s assertion with any specific facts. In any event, as the district court record makes clear, the government’s assertion is accurate. *See* No. 13cv851, Dkt. 77, ¶¶ 38-58 (amended complaint asserting only constitutional claims); No. 13cv881, Dkt. 55 Ex. 1 ¶¶ 48-68 (proposed amended complaint asserting only constitutional claims); Dkt. 55, at 3 (motion to file an amended complaint asserting that the proposed amended complaint “removes the cause of action under the [Administrative Procedure Act]”).

For these reasons, and others explained in the government's motion, the Court should extend the deadline for filing dispositive motions from February 27, 2014, to and including April 28, 2014.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on February 25, 2014, I electronically filed the foregoing with the Clerk of the Court by using the appellate CM/ECF system.

I certify that the participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

/s/ Henry C. Whitaker

Henry C. Whitaker