

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

WOODHULL FREEDOM FOUNDATION,)	
et al.,)	
)	
Plaintiffs,)	
)	
vs.)	Civil Action No. 18-01552 (RJL)
)	
UNITED STATES OF AMERICA and)	
JEFFERSON B. SESSIONS, in his official)	
capacity as ATTORNEY GENERAL OF THE)	
UNITED STATES,)	
)	
Defendants.)	
)	

**DEFENDANTS' FIRST MOTION FOR EXTENSION OF TIME TO FILE
OPPOSITION TO PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION**

Defendants, by and through undersigned counsel, move pursuant to Federal Rule of Civil Procedure 6(b)(1) for an enlargement of time of two weeks, until July 20, 2018, to file an opposition to Plaintiffs' Motion for Preliminary Injunction (ECF No. 5), and as grounds for this motion, state as follows.

1. This action for declaratory and injunctive relief challenging the constitutionality of the Allow States and Victims to Fight Online Sex Trafficking Act of 2017 ("FOSTA")¹ was filed by Plaintiffs on June 28, 2018. Concurrent with the filing of the Complaint Plaintiffs filed a Motion for Preliminary Injunction (ECF No. 5)² seeking to enjoin any and all enforcement of FOSTA during the pendency of this case.

¹ FOSTA passed the House of Representatives with a vote of 388-25 on February 27, 2018, and the Senate with a vote of 97-2 on March 21, 2018. The bill was signed into law on April 11, 2018.

² Defendants were not contacted prior to the filing of the Motion for Preliminary Injunction. *See* ECF No. 6.

2. The United States Attorney's Office was served with the Complaint and Motion for Preliminary Injunction on Friday, June 29, 2018, and undersigned counsel received copies on Monday, July 2, 2018. Pursuant to Local Civil Rule 65.1, Defendants' current deadline to file an opposition to the Motion for Preliminary Injunction is Friday, July 6, 2018.

3. Defendants are currently in the process of reviewing and investigating Plaintiffs' claims and formulating an appropriate response. Additional time is needed in part because agency counsel from the Department of Justice, Criminal Division, Child Exploitation and Obscenity Section was on a pre-arranged trip this entire week and will not return to the office until July 9, 2018. Further, undersigned counsel has a pre-arranged trip July 13-15, 2018, as well as motions for summary judgment in other matters currently due on July 11, 16, and 20, 2018.

4. Pursuant to Local Civil Rule 7(m), undersigned counsel contacted Plaintiffs' counsel about this motion, and the parties have conferred. Plaintiffs' counsel has indicated that Plaintiffs are unopposed to an extension of time until July 16, 2018, but oppose a longer extension.

5. This is the first request for extension made by Defendants with respect to their deadline to respond to the motion for preliminary injunction. Plaintiffs claim that they will be prejudiced by a two week extension because it may not give the Court time to rule prior to Plaintiff Woodhull's ninth annual Sexual Freedom Summit, which runs from August 2-5, 2018. Such concern is unfounded because Plaintiffs have the option of filing their reply as soon as July 23, 2018, if they so choose. Furthermore, the Motion itself does not cite to or demonstrate any threatened or imminent prosecution for any acts Plaintiffs claim to plan to undertake, and Plaintiffs' professed urgency is undermined by the fact that over 11 weeks elapsed from the enactment of FOSTA to the filing of the Motion for Preliminary Injunction.

6. A proposed order is attached.

Dated: July 5, 2018

Respectfully submitted,

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