

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ROGER HALL, et al.,)	
)	
Plaintiffs,)	
)	
v.)	Civil Action No. 04-814 (RCL)
)	
CENTRAL INTELLIGENCE AGENCY,)	
)	
Defendant.)	
_____)	

PLAINTIFFS' CONSENT MOTION FOR TEN DAY ENLARGEMENT
OF TIME TO FILE CROSS-MOTION FOR SUMMARY JUDGMENT

COME NOW plaintiffs Roger Hall, Studies Solutions Results, Inc. ("Hall"), and Accuracy in Media, Inc. ("AIM"), by counsel, under Rule 6(b)(1)(A) of the Federal Rules of Civil Procedure, and respectfully move this Court for an enlargement of time to file their oppositions and cross-motions in response to *Defendant's Renewed Motion for Summary Judgment*, ECF No. 295, for ten days, until December 10, 2018.

The government consents to this relief.

Memorandum of Points and Authorities

1. By October 17, 2008 Order, ECF No. 307, this Court set November 30, 2018 as the date by which plaintiffs shall submit their responses to defendant's renewed motion for summary judgment.
2. A number of circumstances have combined to make it necessary to move for this extension of time.
3. Plaintiffs' previous motion for an extension of time was occasioned by, *inter alia*, time constraints of counsel for Hall, James Lesar. He had new developments in several of his cases in this Court and in the Court of Appeals, multiple appellate deadlines within the month,

scheduled arguments on dispositive motions, a trip to China, and Thanksgiving in Boston. And he suffered health issues.

4. Mr. Lesar is still plagued by time constraints. While on a two-week vacation in China with his family, Lesar arranged with Attorney Dan Hardway to file appellant's motion for leave to file an opposition to the CIA's response to a Petition for Rehearing or Rehearing *En Banc* which the CIA had submitted after having secured a 45-day extension to the Order of the Clerk of the Court of Appeals directing the CIA to file such a response. That petition and the motion to leave to file an opposition to it are currently being considered by the Court of Appeals sitting *En Banc* in Morley v. C.I.A. D.C. Cir. No. 17-5114. Neither the petition nor the motion for leave submitted by Morley's attorneys Hardway and Lesar have yet been acted upon. On November 6, 2018, two days after his vacation trip to China ended, and still suffering from jet-lag, Lesar orally argued another case in the Court of Appeals, in DiBacco, et al. v. Dept. of Army, et al., D.C. Cir. No. 17-5048.

5. On Monday, November 19, moments before leaving on trip to Boston, Lesar filed in digital form his brief in Clemente v. F.B.I., D.C. Cir. No. 18-5095. On arriving back from his Boston vacation late on November 23, 2018, he was confronted with the need to seek extensions in other cases, including this one, and to prepare for a hearing on cross-motions for summary judgments in Clemente v. F.B.I. Civil Action No. 01-0108, where the cross-motions have been pending for more than a year, and a hearing is scheduled on November 29 before Judge Hogan. And there have been other new developments in that case, which must be taken into account. Given these and other circumstances he needs an extension of time to December 10, 2018 to be able to properly represent his clients in this case.

6. Counsel for AIM, John Clarke, similarly needs an enlargement of time. AIM's response will include not only the record of the CIA's multiple failures to follow the Court's order, and the necessity of discovery under Rule 56, but must also include a number of issues regarding CIA's decennial reviews, and will include a prayer that the Court reconsider the use of a special master, based on a review of the record of the CIA's conduct in the thirty-year period from 1973 Operation Homecoming to the 2004 filing of the this lawsuit. Although counsel has spent significant time to AIM's dispositive motion over the last ten days, other matters require attention, and AIM's pleadings in this matter are taking more time than anticipated. Counsel cannot adequately complete the task by November 30.

7. In the instant matter, William Simpich, Esquire, has been working on a critical aspect of the case, regarding *in camera* submissions. He too prays that the Court grant the extension, as he reports that he would be hard-pressed to complete the motion that he is preparing by November 30.

8. Under Rule 6(b)(1)(A) of the Federal Rules of Civil Procedure, *Extending Time*, "the court may, for good cause, extend the time... if a request is made, before the original time or its extension expires..."

WHEREFORE, plaintiffs respectfully seek an extension of time to and including December 10, 2018, to submit their dispositive motions in response to Defendant's Renewed Motion for Summary Judgment.

DATE: November 26, 2018.

Respectfully submitted,

/s/

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