

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ROBERT MOORE, *et al.*,)
)
Plaintiffs,)
)
v.)
)
UNITED STATES CENTRAL)
INTELLIGENCE AGENCY)
)
Defendant.)
_____)

Civil Action No. 20cv1027 (RCL)

CONSENT MOTION TO AMEND DISPOSITIVE MOTIONS SCHEDULE

Pursuant to Rule 56 of the Federal Rules of Civil Procedure, Defendant United States Central Intelligence Agency (“CIA”) moves this Court to amend the Dispositive Motions Schedule approximately two days, to February 23, 2022, for the Defendant to file its Reply/Cross-Opposition and Opposition to Plaintiffs’ Motion for In Camera Review, and order a corresponding extension of the deadlines for Plaintiffs’ Cross-Reply in this Freedom of Information Act (“FOIA”) matter.

The requested extension will not affect any other deadline in this case.

In support of this Motion, Defendant states as follows:

1. On April 28, 2020, Plaintiffs commenced this litigation against the CIA alleging that the CIA failed to respond to their FOIA request for information regarding American POWs of the Korean War being transported to China and the Soviet Union for imprisonment and interrogation. ECF No. 1 (Complaint).

2. On June 3, 2020, CIA filed an Answer to the Complaint. ECF No. 6 (Answer). The Defendant thereafter provided the Court with Status Reports regarding the progress in the processing of Plaintiffs' FOIA request. *See, e.g.*, ECF Nos. 12-19.

3. On October 15, 2021, the Defendant notified the Court that the CIA completed its search and processing for responsive material, and on October 13, 2021, made a final production of responsive, non-exempt records. ECF No. 20.

4. In that final Status Report, the Parties notified the Court of an agreed-upon dispositive motions schedule. *Id.* Pursuant to that schedule, the Defendant filed its initial Motion for Summary Judgment on December 10, 2021. ECF No. 21.

5. On December 29, 2021, the Parties requested, and the Court granted, a modification of the dispositive motions schedule. ECF Nos. 23 and 24. Plaintiffs filed their Opposition/Cross-Motion for Summary Judgment on January 17, 2022.

6. On February 4, 2022, this Court granted Defendant CIA's consent to amend the dispositive motions schedule, and ordered that Defendant file its Reply/Cross-Opposition on or before February 21, 2022; and that Plaintiff file its Cross-Reply on or before March 14, 2022. ECF No. 29.

7. As it turns out, undersigned counsel for Defendant made a miscalculation on the date requested for Defendant's Reply/Cross-Opposition, which happens to fall on Monday, President's Day – a federal holiday. Due to the nature of the documents at issue in this matter, which includes a *Glomar* response, Defendant's Reply/Cross-Opposition must go through extensive administrative review at the client agency level and a final review at the United States Attorney's Office. Accordingly, undersigned counsel needs additional time with actual federal work-days to complete the administrative review process.

8. Undersigned counsel contacted counsel for Plaintiffs, pursuant to Local Civil Rule 7(m), to discuss this Motion and the reasons for an extension of time. For the reasons set forth above, Plaintiffs consent to the motion.

Wherefore, for the reasons set forth above, Defendant respectfully requests that the Court amend the dispositive motions schedule as follows:

February 23, 2022: Defendant shall file a Reply/Cross-Opposition to Plaintiffs' Cross-Motion and Motion for In Camera Review; and

March 16, 2022: Plaintiffs shall file a Reply in support of Plaintiffs' Cross-Motion and Motion for In Camera Review.

A proposed Order is also attached.

Dated: February 17, 2022

Respectfully submitted,

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