

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

ROGER HALL, et al.,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	Civil Action No. 04-0814 (HHK)
	:	
CENTRAL INTELLIGENCE AGENCY	:	
	:	
Defendant	:	

PLAINTIFFS' UNOPPOSED MOTION FOR FURTHER  
EXTENSION OF TIME WITHIN WHICH TO REPLY TO  
DEFENDANT'S OPPOSITION TO MOTION FOR RECONSIDERATION

Come now the plaintiffs, Roger Hall and Studies Solutions Results, Inc., and moves this Court for an extension of time, to and including August 11, 2008, within which to reply to defendant's opposition to plaintiffs' motion for reconsideration.

As grounds for this motion, plaintiffs' state to the Court as follows:

1. Plaintiffs' reply is currently due today, July 23, 2008.
2. When plaintiffs' counsel arose this morning he expected that he would be able to complete and file plaintiffs' reply today. A drastic change in circumstances has made this impossible.
3. Before the undersigned counsel went to bed at 3:00 a.m., he went to his "lit" file to save a document he had been working on in Civil Action 04-2202. Counsel's work is saved in the "lit" folder by year, "04" being the designation for several cases which were filed either in district court or in the Court of Appeals during the year 2004.

However, when he clicked on "04" it totally disappeared from the screen. In subsequent efforts to retrieve the 04 folder by clicking on "lit," the screen always showed a missing gap between the "03" folder and the "05" folder.

3. During a search for the "04" folder, his computer eventually produced a message which read as follows: "C:\Documents and Settings\Jim\My Documents\lit\04 refers to a location that is unavailable. It could be on a hard drive on this computer or on a network. Check to make sure that the disk is properly inserted, or that you are connected to the internet or your network, and then try again. If it still cannot be located, the information might have been moved to a different location."

4. After subsequent search efforts, counsel located an "04" folder and saved the document he had been working on to an appropriate subfile in the 0402204 file, then went to bed.

5. Late this morning, when counsel went to resume work on this case, he learned that although he had successfully found and retrieved an "04" folder, upon further examination each of the cases listed thereunder had been stripped of the work done over the past two or three years. For example, the reply in this case had been saved into a folder labeled "Drafts." Examination of that folder revealed that the latest document saved therein dated to July 30, 2005, and that the reply counsel had currently been working on was gone. The same was found to be true of the other folders listed under the "04" designation.

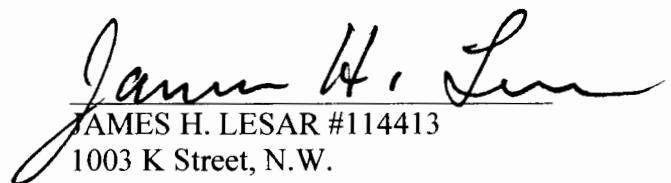
6. Late this morning another attorney who had recently experienced similar problems advised him that a computer expert had advised him that moder computers will only last four to five years before they develop memoray problems due to the high

density of modern email communications, particularly those containing video and audio materials. While counsel's computer has a hard drive storage capacity of over 250 gigabytes, because it is a Windows 98 computer, it is quite possible that his computer problems, which have included internet access and email shutdowns, are related to memory capacity and that counsel may have to purchase a new computer.

7 In any event, Computer Geeks has advised they cannot come until Friday morning, July 25<sup>th</sup>. In the meantime, counsel must tomorrow, July 24<sup>th</sup>, begin work on a brief due in the Court of Appeals on July 28<sup>th</sup>. After that, he leaves on a trip to St. Louis for a family reunion from which he returns to work on August 4<sup>th</sup>. Because of medical appointments and some work which must be done on other matters, it appears that the earliest he can recommence work on the wiped-out brief is August 6<sup>th</sup>. At least two or three days will be needed to re-do the lost work. Accordingly, plaintiffs request an extension until August 11, 2008 to file their reply brief.

8. Defendant does not oppose this motion.

Respectfully submitted,



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Counsel for Plaintiff

DATED: July 23, 2008 UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

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Plaintiffs,	:	
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	:	
CENTRAL INTELLIGENCE AGENCY	:	
	:	
Defendant	:	

ORDER

Upon consideration of plaintiffs' unopposed motion for an extension of time, and the entire record herein, it is by this Court this \_\_\_\_\_ day of July, 2008, hereby ORDERED, that plaintiff shall have until August 11, 2008 to file their reply to defendant's opposition to their motion for reconsideration of Magistrate Facciola's ruling.

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UNITED STATES DISTRICT COURT