

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 22-5235
(C.A. No. 04-814)

ACCURACY IN MEDIA, INC., *Plaintiff-Appellant*,)
)
 v.)
)
 CENTRAL INTELLIGENCE AGENCY, *Defendant-Appellee*.)
)
 _____)

APPELLANT'S MOTION FOR
ENLARGEMENT OF TIME TO FILE OPENING BRIEF

COMES NOW Appellant Accuracy in Media, Inc. ("AIM"), under Rule 27 of the Circuit Rules of this Court, and respectfully submits this Motion for a 21-day enlargement of time within which to file Appellant's Brief. The CIA's counsel, Graham White, Esq., has been consulted regarding the relief sought, and he kindly assented.

By order entered on December 13, 2023, the Court set January 11, 2024, as the due date for Appellant's brief. AIM hereby requests that the Court extend the deadline within which to file its Brief until February 1, 2024.

This appeal is from the District Court's resolution of this Freedom of Information Act case in which the requesters have raised six issues.¹ This appeal necessitates counsel to thoroughly review the record generated over the course of this 19-year-old FOIA case, including the parties' voluminous evidence submitted in support of their positions, as well as several of the District Court's memorandum opinions.

The undersigned is a sole practitioner. His caseload is now unusually demanding. He has several dozen matters associated with his membership in the DC Superior Court's Fiduciary Panel, is counsel in two cases in Virginia Circuit Courts, and is prosecuting FOIA cases in our District Court as well as in the

¹ See December 9, 2022, *Appellant's Statement of Issues*:

1. Whether the absence of responsive records is so enormous and wide-ranging as to raise substantial doubts regarding the CIA's search, rendering summary judgment inappropriate.
2. Whether the quantity of positive indications of overlooked materials raises substantial doubts regarding the CIA's search.
3. Whether the CIA's public explanation of its search of its operational records was made to the greatest extent possible.
4. Whether the CIA's explanation of its search must include whether it searched its repositories of operational records concerning POWs held in Laos.
5. Whether the search terms that the CIA employed were adequate and reasonably likely to yield the records sought.
6. Whether the District Court gave due weight to the CIA's motives to withhold its records that were generated after Operation Homecoming in 1973.

Eastern District of Virginia. As a result, counsel requests that he be granted additional time to complete his review of the extensive record, and to write the brief.

WHEREFORE, Appellant Accuracy in Media, Inc., respectfully requests that the Court grant this motion to extend the deadline for it to file Appellant's Brief, to February 1, 2024.

Date: January 9, 2023.

Respectfully submitted,

/s/ John H. Clarke

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Counsel for Appellant Accuracy in Media, Inc.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 9th day of January, 2024, the foregoing motion was served upon Appellee's counsel by filing it using the Court's Electronic Case Filing System.

/s/ John H. Clarke

CERTIFICATE OF COMPLIANCE

The text for this motion is prepared using 14-point Times New Roman typeface. The text of this motion consists of 401 words, as calculated by counsel's word processor.

/s/ John H. Clarke