

[NOT YET SCHEDULED FOR ORAL ARGUMENT]IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

ACCURACY IN MEDIA, INC.,

Plaintiff-Appellant,

v.

CENTRAL INTELLIGENCE AGENCY,

Defendant-Appellee.

No. 22-5235

**APPELLEE'S UNOPPOSED MOTION TO MODIFY THE
BRIEFING SCHEDULE**

Pursuant to Fed. R. App. P. 26 & 27, Appellee respectfully moves to modify the briefing schedule in the manner set forth below. Appellant consents to this motion.

1. Pursuant to the clerk's order entered on January 10, 2024, Appellant filed its opening brief on February 1, 2024. The federal government's response brief is currently due March 4, 2024, and Appellant's reply brief is due March 25, 2024.

2. The government respectfully requests that the dates for the government's response brief and Appellant's reply brief each be extended by 30 days, such that the government's response brief will be due on or before April 3, 2024, and Appellant's reply brief will be due on or before April 24, 2024. The government has not previously sought an extension of the briefing deadlines.

3. The requested extension is necessary because the attorney with primary responsibility for preparing the government's brief in this case, Graham White, has responsibility for other upcoming briefing assignments, oral arguments, and internal matters. Mr. White will be delivering oral argument for the government in *United States v. Conyers*, No. 23-20227 (5th Cir.) on March 5, 2024. Mr. White also has primary responsibility for drafting and filing the government's brief in *Reading v. North Hanover Township*, No. 23-3092 (3d Cir.), which is also due on March 5. Additionally, Mr. White will be out of the office from February 15 to February 20, 2024, on previously arranged personal leave.

4. Moreover, Mr. White was not the attorney assigned to represent the government during district court proceedings in this case.

Accordingly, the requested extension is also necessary to ensure that Mr. White can familiarize himself with the extensive record in this 20-year-old case and prepare the government's response brief.

5. John H. Clarke, counsel for Appellant, has informed the undersigned that Appellant consents to this proposed change to the briefing schedule.

Respectfully submitted,

/s/ Graham White

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FEBRUARY 2024

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CERTIFICATE OF COMPLIANCE

Pursuant to Federal Rule of Appellate Procedure 32(g)(1), I hereby certify that this motion complies with Federal Rule of Appellate Procedure 27(d)(1)(E) because it was prepared with Palatino Linotype 14-point, a proportionally spaced font with serifs, and the motion complies with Federal Rule of Appellate Procedure 27(d)(2) because it contains 318 words, according to the word count of Microsoft Word.

/s/ Graham White
Graham White

CERTIFICATE OF SERVICE

I hereby certify that on February 8, 2024, I electronically filed the foregoing with the Clerk of the Court by using the appellate CM/ECF system. I further certify that the participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

/s/ Graham White
Graham White