

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

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

**CONSENT MOTION TO FILE SURREPLY IN RESPONSE
TO PLAINTIFFS’ REPLY BRIEF IN SUPPORT OF THEIR
MOTION FOR PARTIAL SUMMARY JUDGMENT**

Defendant, Central Intelligence Agency (“CIA” or “the Agency”), by and through the United States Attorney for the District of Columbia, hereby respectfully submits this motion to file a sur-reply to the Plaintiffs’ pending reply in support of their motion for “partial summary judgment.” Good cause exists to grant this motion. In support of this motion the Agency states as follows.

1. The CIA filed its opposition to Plaintiffs’ motion for partial summary judgment on July 29, 2013. D.I. 200. As Plaintiffs state, their reply was due on August 8, 2013. D.I. 201.
2. For various reasons Plaintiffs were unable to timely file their reply and requested extensions. *Id.* and 202. On August 22, 2013 they filed a motion for leave to file their reply out of time, to which they attached the reply brief and a new declaration of an “expert.” D.I. 203.
3. Although, to date, the Court has not ruled on Plaintiffs’ foregoing motions (*see generally*, Docket), out of an abundance of caution, the CIA submits this motion to file a sur-reply, in the event the Court is inclined to grant Plaintiffs’ motion for leave

to file their reply out of time, and considers Plaintiffs' newly raised arguments and the new declaration.

4. In addition to presenting the Court with the declaration of their "expert," Paul K. Dell, in their reply brief, Plaintiff make the argument that the CIA's declarant lacks personal knowledge. D.I. 203. To the extent that Plaintiffs' declaration or argument, regarding the Agency's declarant, may carry any weight with the Court, the Agency requests an opportunity to address them.
5. Pursuant to L. Civ. R. 7(m), undersigned counsel communicated with Plaintiffs' counsel, and both Mr. Lesar and Mr. Clarke stated that they do not oppose this motion.

Wherefore, should the Court grant Plaintiffs' request to file their reply brief out of time, the Agency respectfully requests that it be permitted to file a sur-reply within two weeks, thereafter. A minute order is requested.

Respectfully submitted,

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