

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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

PLAINTIFFS' UNOPPOSED MOTION FOR ENLARGEMENT OF TIME
TO FILE REPLIES IN RESPONSE TO DEFENDANT'S OPPOSITION
TO PLAINTIFFS' CROSS-MOTIONS FOR SUMMARY JUDGMENT

COME NOW plaintiffs Roger Hall, Studies Solutions Results, Inc. ("SSRI"), and Accuracy in Media, Inc. ("AIM"), by counsel, under Rule 6(b)(1)(B) of the Federal Rules of Civil Procedure, and respectfully move this Court for an enlargement of time to file their Replies to defendant CIA's Opposition to plaintiffs' cross-motions for Summary Judgment. Defendant CIA consents to this relief.

Memorandum of Points and Authorities

1. By Order entered on November 18, 2016 (Docket No. 270), the Court granted the CIA's Consent Motion to enlarge the time to respond to plaintiff's dispositive motions, to January 30, 2017.

2. Defendant filed its opposition to plaintiffs' dispositive motions on January 30. Under LCvR 7, plaintiffs' memoranda in reply were due to be filed "[w]ithin seven days after service of the memorandum in opposition," or Monday, February 6.

3. On February 28, 2017 Hall's Hall's counsel, James H. Lesar, suddenly discovered a large mass on his upper left thigh. Fearing a recurrence of the blood clot he had suffered under his right knee in October 2014, he sought emergency evaluation at Holy Cross Hospital in Silver Spring. The doctor who evaluated him there determined that he had developed a life-threatening staph infection. He was to immediately begin taking a strong anti-biotic, Clindamycin, every six hours for the next ten days and applying a hot compress to the area every six hours as well. On Tuesday, January 31, he was able to see his internist. She increased the dosage of Clindamycin and ordered him to remain prone as much as possible and not work in front of his computer. Against his hesitancy to comply, she made clear that this was a life or death matter. She also arranged for him to have a vascular surgeon operate on the sebaceous cyst on Thursday, February 2, 2017. As a consequence of all of this, attorney Lesar has been unable to work on this case at all (other than to download and file away the Government's brief). Although his condition is now much improved, he remains greatly fatigued and unable to work much of the day.

4. Counsel for plaintiff AIM mistakenly believed that the schedule for defendant's responsive pleadings, as revised, included ten days from January 30, for plaintiffs to submit their replies. Due to the press of other matters, counsel did not discover his error until February 7, when he began drafting his client's reply.

5. Under Rule 6(b)(1)(B) of the Federal Rules of Civil Procedure, *Extending Time*, "When an act may or must be done within a specified time, the court may, for good cause, extend the time... on motion made after the time has expired if the party failed to act because of excusable neglect."

6. Plaintiffs respectfully suggest that the circumstances of warrant a finding of "excusable neglect."

7. Given Mr. Lesar's medical condition, he will need a 21 day extension of time beyond the due date of February 6, or until February 27.

WHEREFORE, plaintiffs respectfully seek an extension of time to and including February 27, 2017, to submit their Reply Memoranda to defendant's oppositions to plaintiffs' cross-motions for summary judgment.

DATE: February 8, 2017.

Respectfully submitted,

/s/

James H. Lesar # 114413
930 Wayne Avenue
Suite 1111
Silver Spring, MD 20910
(301) 328-5920
jhlesar@gmail.com

Counsel for Plaintiffs
Roger Hall and SSRI, Inc.

/s/

John H. Clarke # 388599
1629 K Street, NW
Suite 300
Washington, DC 20006
(202) 344-0776
Fax: (202) 332-3030
johnhclarke@earthlink.net

Counsel for plaintiff
Accuracy in Media, Inc.