

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.	:	

MOTION OF PLAINTIFFS ROGER HALL AND STUDIES SOLUTIONS RESULTS, INC., TO REVISE BRIEFING SCHEDULE

Plaintiffs Roger Hall and Studies Solutions Results, Inc., (collectively "Hall"), move the Court for an extension of time, to and including December 20, 2018, within which to file their cross-motion for partial summary judgment and other relief and in opposition to the pending motion of defendant Central Intelligence Agency.

By this Court's order issued December 13, 2018, Hall's brief is due today, December 14, 2015.

The other plaintiff in this case, Accuracy in Media, Inc., has advised the undersigned counsel that it will file its Renewed Cross-Motion for Summary Judgment and Other Relief today, December 14, 2018.

Due to many events and developments occurring since Hall filed his previous motion for extension, he is unable to meet this deadline.

The Government asked that Hall include the following statement in this motion: "CIA takes no position on the relief but asks that, if the relief is granted, its responsive deadline (currently January 18, 2019) be extended by a commensurate number of days regarding both plaintiffs' filings." Hall and AIM agree with this request as reflected in the proposed Order.

The new developments in the Court of Appeals is the issuance of two per curiam orders in Morley v. CIA, D.C. Cir. No. 17-5114, in which the two members on three-judge panel which originally heard the case (Judge Kavanaugh having been excluded because he was no longer a member of the Court of Appeals) did not request a vote even though Judge Henderson had strongly dissented from the original panel decision, and in a separate per curiam order also issued the same day recites that no member in active service on the Court of Appeals requested a vote on the petition for rehearing *en banc*. This has required urgent and time-consuming attention by Hall's attorney, who also represented Morley, to evaluate and take action regarding withdrawal of the mandate, recall of the mandate and stay of the mandate pending the filing of a petition for a writ of certiorari to the United States Supreme Court.

In Clemente v. FBI, et al., D.C. Cir. No. 18-5095, the Government moved for a 30-day extension of time to file its brief. In this Clemente appeal, the Court of Appeals directed that it be heard by the same panel that had been selected to hear the issue of the application of the so-called Salazar Laffey matrix in a case arising under IDEA and heard on the same day. This led to a considerable amount of time being spent by the parties, included an amicus that was just granted leave to file a brief, negotiating the complex scheduling problems that ensued and evaluating how the various interests of all the parties were affected by the new schedule, which was approved by the Court in an order issued on December 13, 2018.

On Friday, December 14, 2018, the undersigned counsel has a motion for an award of attorney fees due in David Talbot v. CIA and Dept. of State, Civil Action No. 17-588. Although he is not the lead counsel in that case, he has had to spend considerable time reviewing the work on the brief done by Attorney Dan Hardway and advising him on it because Hardway has much less experience in actually litigating FOIA cases than does Lesar.

The same applies to Assassination Archives v. CIA, Civil Action No. Civil No. 17-160, in which counsel has recently assisted lead counsel Dan

Alcorn in evaluating objections to Magistrate Harvey's Report and Recommendation denying an award of attorney fees and costs.

In Clemente v. F.B.I., Civil Action No. 13-0108 (TFH), a hearing that was initially scheduled for November 19, 2018, was continued to December 18, 2018. Within the past few days Ms. Clemente has obtained from a confidential source ancient FBI documents which, if they are authentic, demolish the FBI/DOJ claim that they have conducted a thorough search. Counsel needs to prepare a notice of filing in this case before the hearing but has been hampered because Ms. Clemente has been undergoing extensive testing involving a new medicine and has been too ill to be able to assist counsel the past several days.

On Wednesday, December 19, 2018, counsel has an appointment with his physical therapist which is badly needed because he cancelled this week's appointment because of all his time deadlines and other matters. He also cancelled other appointments which had been scheduled this week except for one with his podiatrist on Tuesday, December 11th, which was urgently needed because of the bruising of two toes on both the right and left feet each.

There have been daily interruptions the past few days because of several unanticipated problems in his daily life that just had to be taken

