

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

JAMES MADISON PROJECT, et al.,

Plaintiffs,

v.

OFFICE OF DIRECTOR OF NATIONAL
INTELLIGENCE,

Defendant.

Civil Action No. 23-3457 (APM)

**DEFENDANT’S CONSENT MOTION TO EXTEND TIME TO FILE *EX PARTE*
SUBMISSION IN RESPONSE TO THE COURT’S APRIL 19, 2024, ORDER**

Defendant Office of the Director of National Intelligence (“ODNI”) respectfully requests a two-business-day extension of time—until April 30, 2024—of the deadline to submit the requested information in response to the Court’s order, issued at the status conference held in this Freedom of Information Act (“FOIA”) case on April 19, 2024. *See* Minute Entry for Status Conf., Apr. 19, 2024. Plaintiffs, through counsel, have graciously consented to the relief requested herein.

In support of this motion, the ODNI states as follows:

1. On April 19, 2024, the Court ordered the ODNI to “submit Ex Parte the agencies that have outstanding consults and number of pages” and to “submit the number of referrals made and to what agencies.” *See* Minute Entry for Status Conf., Apr. 19, 2024.

2. The ODNI respectfully requests a two-business-day extension of time—until April 30, 2024—of the foregoing deadline to submit this information.

3. There is good cause to grant this extension request. During the conference, when the Court ordered a deadline of one week for the ODNI to submit *ex parte* the requested information to the Court, undersigned defense counsel was not aware that the identification by

name of one or more agencies with outstanding consults was classified and therefore that the submission would require the submission of classified information to the Court. Given the relative infrequency of handling classified information by the U.S. Attorney's Office's Civil Division, this presented various logistical challenges that the undersigned defense counsel spent a significant amount of time this week working to resolve. In addition, undersigned defense counsel has had a particularly significant workload this week in her other cases, contributing to the need for additional time to complete her obligations with respect to this submission, including conferring with the client and completing internal supervisory review prior to filing. Earlier this week, undersigned counsel had various briefing deadlines, and today, she has had seven filings and related submissions that were due—not including this *ex parte* submission due in the present case.

4. This is the first extension that the ODNI has requested for the deadline to file the submission with the information requested by the Court. The extension requested by ODNI will not affect any other deadlines in this case.

5. Pursuant to Local Rule 7(m), the undersigned counsel for Defendant conferred with Plaintiffs' counsel, who indicated that Plaintiffs consent to the relief requested herein.

* * *

6. For the foregoing reasons, and with Plaintiff's consent, the ODNI respectfully requests that the Court grant this motion and allow the ODNI to submit the requested information to the Court by April 30, 2024. A proposed Order has been filed with this motion.

Dated: April 26, 2024
Washington, DC

Respectfully submitted,

MATTHEW M. GRAVES, D.C. Bar #481052
United States Attorney

BRIAN P. HUDAK
Chief, Civil Division

By: /s/ Christina O'Tousa

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[PROPOSED] ORDER

Upon consideration of Defendant's Consent Motion to Extend Time to File *Ex Parte* Submission in Response to the Court's April 19, 2024, Order, and the entire record herein, it is

ORDERED that the motion is GRANTED; and it is further

ORDERED that Defendant shall have until April 30, 2024, to file its submission in response to the Court's April 19, 2024, Order.

SO ORDERED this _____ day of _____, 2024.

HON. AMIT P. MEHTA
UNITED STATES DISTRICT JUDGE