

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

DENNIS MONTGOMERY, et al.,)	
)	
Plaintiffs,)	
)	
v.)	Civil Action No. 1:17-cv-1074-RJL
)	
JAMES COMEY, et al.,)	
)	
Defendants.)	
)	

INDIVIDUAL-CAPACITY DEFENDANTS’ MOTION FOR EXTENSION OF TIME

Pursuant to Federal Rule of Civil Procedure 6(b), defendants James Comey, Michael Rogers, Mike Pompeo, James Clapper, and Dan Coats, insofar as they are sued in their individual capacity, respectfully request an extension of time, until and including September 13, 2017, to file a single, consolidated dispositive motion in this case.¹ The undersigned has consulted with counsel for the plaintiffs regarding this motion; while the plaintiffs do not oppose the Individual-Capacity Defendants filing a single, consolidated dispositive motion, they do oppose the extension of time requested by the Individual-Capacity Defendants.

The plaintiffs have sued seven current and former government employees, in both their individual and official capacities. Compl. ¶¶ 7-16. Counts One and Two of the complaint are brought against the defendants in their individual capacity. *Id.* ¶¶ 67-80. Based on the various dates that some of the individual defendants were personally served, there are various due dates for filing dispositive motions regarding the individual-capacity claims: August 18 for defendant

¹ To the extent these defendants are sued in their personal capacity, they are referred to as the “Individual-Capacity Defendants.” To the extent they are sued in their official capacity, these defendants, along with the three agency defendants, are referred to as the “Government Defendants.”

Coats; August 21 for defendant Rogers; and September 5 for defendants Pompeo, Comey, and Clapper. *See* Fed. R. Civ. P. 12(a)(3).²

In the interest of judicial efficiency, we propose filing a single, consolidated motion to dismiss and supporting memorandum on behalf of all of the Individual-Capacity Defendants. To further streamline the proceedings, we request an extension of time so that all of the Individual-Capacity Defendants have the same due date for filing their dispositive motion.

This is the first extension of time that any of the Individual-Capacity Defendants have requested in this case. Furthermore, a modest extension until September 13 will not prejudice the plaintiffs. First, the plaintiffs and the Government Defendants are currently in the midst of briefing the plaintiffs' motion for a preliminary injunction and the Government Defendants' motion to dismiss and for partial summary judgment. The briefing on those motions is currently scheduled to conclude on August 22, with the Government Defendants' reply brief in support of their motion to dismiss and for partial summary judgment. The plaintiffs' motion for a preliminary injunction seeks no relief against the Individual-Capacity Defendants and requires no response from them. That portion of the case thus will continue apace regardless of when the Individual-Capacity Defendants file their anticipated motion to dismiss.

Second, we are requesting an extension of only eight days beyond the deadline for the last-served Individual-Capacity Defendants (Pompeo, Comey, and Clapper) to file a consolidated motion to dismiss Counts One and Two. Such a brief extension will not significantly delay the proceedings, even as to only the Individual-Capacity Defendants.

² To our knowledge, neither former CIA Director Brennan nor former President Obama have been personally served in this matter.

For the foregoing reasons, defendants Comey, Rogers, Pompeo, Clapper, and Coats, solely in their individual capacity, respectfully request that the Court grant them an extension of time until and including September 13, 2017, to file their dispositive motion.

Respectfully submitted this 9th day of August, 2017,

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