

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., and Accuracy in Media, Inc., by counsel, under Rule 6(b)(1)(A) 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 March 10, 2017 (Docket No. 277), the Court granted the Plaintiffs' Motion to enlarge the time to submit their memoranda in reply to defendant's oppositions to plaintiffs' dispositive motions, to March 28, 2017.

2. Plaintiff Hall's counsel, James H. Lesar, has explained in previous motions for extensions of time the critical problems which have confronted him in terms of his personal health. While he is now much improved, he still continues to have problems. On March 15, 2017, Mr. Lesar's team of advanced neuromuscular physical therapists, who treat him weekly, determined that he was suffering from "2 plus pitted edema," a

measurement which means that the parts of his body measured—ankle and lower third of his calves, when pressed with a finger, took 2-plus seconds to restore to their original condition. They strongly advised him to consult his internist about this development. The following week, March 22, 2017, they performed a "figure 8" test, which determined that the amount of swelling in his right ankle was 348 cm greater than in his left ankle. They again stressed that he should immediately report the change in edema from that he experienced prior to his hospitalization. On March 24, 2017, he was examined by an internist. As a result, he was advised to resume taking one of three blood pressure medications that he had been advised to discontinue during his hospitalization. He was further instructed to continue a regimen of exercise and rest and avoidance of prolonged sitting in front of his computer screen.

3. Counsel continues to have a substantial amount of his time consumed by medical appointments. He has an appointment with his dentist on March 28, 2017, and with his physical therapists on March 29, 2017.

4. On January 12, 2017, attorney Lesar orally argued the appeal in Clemente v. F.B.I., D.C. Cir. No. 16-5067. The case involved several important legal issues, including the fact that in the underlying case, Clemente v. F.B.I., Civil Action No. 08-1252, the District Court had twice denied a motion for an interim award of attorney fees despite the fact that the only ground for denying fees was the FBI's position that the case must be over before fees could be awarded. After the case was dismissed, Clemente moved for a final award of attorney fees pursuant to Rule 54 of the Federal Rules of Civil Procedure. On March 24, 2012, nine months later, the district court finally ruled on this motion. The decision makes several legal and factual findings which bear significantly on issues currently awaiting

decision by the Court of Appeals. Because a decision by the Court of Appeals may be imminent, Clemente's counsel has needed to give priority to updating the Court of Appeals on this development.

5. In addition, on March 13, 2017, the D.C. District Court issued an opinion in Jedd v. F.B.I., which dealt with legal and factual issues which are also at issue in Clemente's pending lawsuit in the Court of appeals. This case, too, needs to be brought to the attention of the Court of Appeals. Unfortunately, progress on this has been impeded by the disappearance last week of the digital copy of detailed notes counsel had taken on this case. Counsel continues to experience very time-consuming and frustrating problems with the operation of his Windows 7 computer.

6. In light of the above, counsel Lesar seeks an extension to and including April 4, 2017 to file his reply.

7. Under Rule 6(b)(1)(A) of the Federal Rules of Civil Procedure, Extending Time, "the court may, for good cause, extend the time... if a request is made, before the original time or its extension expires..."

WHEREFORE, plaintiffs respectfully seek an extension of time to and including April 4, 2017, to submit their Reply Memoranda to defendant's oppositions to plaintiffs' cross-motions for summary judgment.

DATE: March 27, 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.