

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

COMMON CAUSE, *et al.*,

Plaintiffs,

v.

PRESIDENTIAL ADVISORY
COMMISSION ON ELECTION
INTEGRITY, *et al.*,

Defendants.

Civil Action No. 1:17-cv-01398 (RCL)

**UNOPPOSED MOTION FOR AN EXTENSION OF TIME TO RESPOND TO
AMENDED COMPLAINT AND JOINT PROPOSED BRIEFING SCHEDULE**

Defendants Presidential Advisory Commission on Election Integrity, U.S. Department of Homeland Security, and Kris W. Kobach respectfully request a three-week extension of time, up to and including October 18, 2017, in which to file a response to plaintiffs' Amended Complaint (ECF No. 21). Good cause exists to support this motion.

1. Plaintiff Common Cause, with defendants' consent, amended its Complaint on September 13, 2017, to add new plaintiffs, a new defendant, and new claims.
2. Pursuant to Federal Rule of Civil Procedure 15(a)(3), defendants have 14 days from the date of service, up to and including September 27, 2017, to respond to the Amended Complaint.
3. Defendants intend to move to dismiss the Amended Complaint. Because the Amended Complaint raises new claims, including an *ultra vires* claim, counsel for defendants require additional time to prepare their memorandum of points and authorities in support of their

motion. Defendants conferred with counsel for plaintiffs and the parties agreed to a briefing schedule that would afford both defendants and plaintiffs adequate time to brief their respective positions, taking into account the upcoming federal holidays and counsels' schedules.

4. Accordingly, the parties jointly propose the following schedule for briefing defendants' anticipated motion to dismiss:

- a. October 18, 2017 – defendants' Motion to Dismiss Amended Complaint;
- b. November 13, 2017 – plaintiffs' Opposition to defendants' Motion to Dismiss Amended Complaint;
- c. December 1, 2017 – defendants' Reply in Further Support of their Motion to Dismiss Amended Complaint.

5. Defendants have not previously been granted an extension of time, and this extension will not affect any other deadlines in this matter. A proposed order is attached.

Dated: September 22, 2017

/s/ Skye L. Perryman

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