

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

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ELECTRONIC PRIVACY INFORMATION	)	)
CENTER,	)	)
1718 Connecticut Avenue, NW	)	)
Suite 200	)	)
Washington, DC 20009	)	)
	)	)
Plaintiff,	)	)
	)	)
v.	)	Civil Action No.: 13-345-GK
	)	)
	)	)
UNITED STATES DEPARTMENT	)	)
OF EDUCATION	)	)
400 Maryland Avenue, SW	)	)
Washington, DC 20202	)	)
	)	)
Defendant.	)	)
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**DEFENDANT’S CONSENT MOTION FOR ENLARGEMENT OF TIME  
TO ANSWER OR RESPOND TO PLAINTIFF’S COMPLAINT**

Defendant, United States Department of Education (“DOE”), respectfully requests a 30-day enlargement of time in which to answer or otherwise respond to Plaintiff’s complaint. Pursuant to Local Civil Rule 7(m), on Thursday, April 18, 2013, undersigned counsel left a voice mail message for Plaintiff’s counsel explaining the basis for the requested relief and asking Plaintiff’s counsel to return the phone call. Undersigned counsel followed up that same day with an email to Plaintiff’s counsel. On Tuesday, April 23, 2013, Plaintiff’s counsel responded to undersigned counsel’s messages and informed undersigned counsel that Plaintiff consents to this request.<sup>1</sup> There is good cause shown to grant the requested relief. A proposed order is enclosed.

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<sup>1</sup> Undersigned counsel makes every effort to avoid seeking extensions and makes it a point to file any motions for extension as far in advance of the deadline as practicable, and she regrets that this motion is being filed the day before the answer or response is due. Undersigned counsel contacted Plaintiff’s counsel last week as soon as she confirmed with her agency counsel the date by which Defendant would be responding to Plaintiff’s request, and held off filing

Plaintiff's lawsuit is brought pursuant to the Freedom of Information Act ("FOIA"). Defendant has been working diligently to respond to Plaintiff's FOIA request, and, as undersigned counsel informed Plaintiff's counsel, Defendant will be providing information responsive to Plaintiff's request by no later than May 1, 2013. Accordingly, the reason for the requested extension is to provide time for Plaintiff to review the responsive information and for the parties to confer regarding next steps. It may be that this litigation can be resolved without judicial intervention, or that the issues for the Court to resolve can be narrowed. This approach conserves the parties' and judicial resources.

For the foregoing reasons, Defendant respectfully requests that it be granted a 30-day enlargement of time to answer or respond to Plaintiff's complaint, in order to provide time for Plaintiff to review Defendant's response to Plaintiff's FOIA request and for the parties to determine how best to proceed with the litigation.

April 23, 2013

Respectfully submitted,

RONALD C. MACHEN JR.  
D.C. BAR # 447889  
United States Attorney for the District of Columbia

DANIEL F. VAN HORN  
D.C. Bar #924092  
Chief, Civil Division

By: \_\_\_\_\_/s/\_\_\_\_\_  
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this motion in the hopes that she could represent Plaintiff's position on the requested relief. Undersigned counsel promptly filed the instant motion after hearing back from Plaintiff's counsel on the afternoon of April 23, 2013, that Plaintiff consents to this motion.

[Addy.Schmitt@usdoj.gov](mailto:Addy.Schmitt@usdoj.gov)

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Civil Action No.: 13-345-GK

**PROPOSED ORDER**

Having considered the Defendant’s Consent Motion for Enlargement of Time to Answer or Respond to Plaintiff’s Complaint, and the entire record herein, it is this \_\_\_\_\_ day of \_\_\_\_\_, 2013, hereby:

ORDERED that the motion is GRANTED; and it is

FURTHER ORDERED that Defendant shall answer or respond by no later than May 24, 2013.

SO ORDERED.

\_\_\_\_\_  
United States District Judge