

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

_____)
ELECTRONIC PRIVACY)
INFORMATION CENTER)
1718 Connecticut Avenue, N.W.)
Suite 200)
Washington, D.C. 20009,)
)
Plaintiff,)
)
v.)
)
INTERNAL REVENUE SERVICE)
1111 Constitution Avenue, N.W.)
Washington, D.C. 20224)
)
Defendant.)
_____)

Civil Action No. 17-670

**PLAINTIFF’S OPPOSITION TO DEFENDANT’S MOTION FOR
EXTENSION OF TIME**

Plaintiff Electronic Privacy Information Center (“EPIC”) respectfully opposes the motion by Defendant Internal Revenue Service (“IRS”) for an extension of time to respond to EPIC’s Complaint. In opposition, EPIC states as follows:

1. The IRS has failed to establish “good cause” to prevail in a motion for a 45-day extension. Fed. R. Civ. P. 6(b)(1)(A).
2. Counsel for the IRS has merely described routine communications with the agency that are contemplated within the 30-day period set out in the Freedom of Information Act for the agency to provide an answer. 5 U.S.C. § 552(a)(4)(C).
3. Moreover, this case concerns records—President Donald J. Trump’s tax returns—that are of immediate public interest, as substantial questions about the President’s possible business arrangement with the Russian government is the focus of several investigations.

4. The disclosure of these records, pursuant to the Freedom of Information Act, 5 U.S.C. § 552, and the Internal Revenue Code, 26 U.S.C. § 6103(k)(3), is of exceptional urgency.

5. The IRS's failure to show good cause is compounded by its request for an extension *nine hours* before the deadline and is contrary to the practice of several Courts in the D.C. Circuit that disfavor delay. *See, e.g., General Order for Civil Cases Before The Honorable Judge Reggie B. Walton* 8 (“Motions for extension of time are strongly discouraged. The parties should not expect the Court to grant extensions. The Court grants such motions only upon a showing of good cause, focusing on the diligence of the party seeking the extension and any prejudice to the moving party that may result if the Court denies the extension, as well as any prejudice to the non-moving party if the Court grants the extension.”);¹ *General Order for Civil Cases Before The Honorable Judge Ketanji Brown Jackson* 5 (noting that “Motions for extension of time are discouraged, and counsel should not expect the Court to grant extensions. **The Court will not entertain or honor stipulations for extension of time.** Instead, counsel seeking an extension of a deadline shall file a written motion **at least (2) business days prior to the expiration of the deadline . . .**”) (emphasis in original).²

6. An extension in this matter is also contrary to the local, voluntary standard for scheduling because EPIC's “interests will . . . be adversely affected” by such a delay. *D.C. Bar Voluntary Standards of Civility: Scheduling Matters* (1997), reprinted in *Rules of the United States District Court for the District of Columbia* 133 (April 2017). As the Voluntary Standards of Civility also explain “[J]ustice is undermined when cases are delayed.” *Id. at* 134

7. Even if the IRS had presented “good cause” for the requested extension, a 45-day delay would be excessive. No more than a 14-day extension could possibly be justified.

¹ <http://www.dcd.uscourts.gov/sites/dcd/files/FINALGeneralOrderGuidelinesCivilCases.pdf>.

² <http://www.dcd.uscourts.gov/sites/dcd/files/GeneralOrdersGuidelinesCivilCasesJKJackson.pdf>.

8. EPIC also disputes the agency's representation that "Defendant's responsive pleading is due May 22, 2017." Def.'s Mot. ¶ 2.

9. EPIC served the complaint in this case on the U.S. Attorney for the District of Columbia on April 17, 2017. Dkt. Nos. 7, 10.

10. This Court set a deadline of May 17, 2017 "for ALL FEDERAL DEFENDANTS." Dkt. No. 7.

11. The May 17, 2017 deadline falls 30 days after service. 5 U.S.C. § 552(a)(4)(C).

Respectfully Submitted,

/s/ Alan Butler

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