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15
16 **UNITED STATES DISTRICT COURT**
17 **NORTHERN DISTRICT OF CALIFORNIA**
18 **OAKLAND DIVISION**

19
20 CAROLYN JEWEL, *et al.*,

21
22 Plaintiffs,

23 v.

24 NATIONAL SECURITY AGENCY, *et al.*,

25 Defendants.
26
27

Case No. 4:08-cv-04373-JSW

**GOVERNMENT DEFENDANTS’
OUT-OF-TIME ADMINISTRATIVE
MOTION FOR AN EXTENSION OF
3 HOURS AND 23 MINUTES TO FILE
THEIR REPLY BRIEF IN SUPPORT
OF THEIR MOTION FOR
SUMMARY JUDGMENT AND
OPPOSITION TO PLAINTIFFS’
MOTION TO PROCEED**

[No hearing date]
Courtroom 5, 2d Floor
Hon. Jeffrey S. White

1 Pursuant to Local Rule 7-11, the Government Defendants hereby move out-of-time for an
2 extension of 3 hours and 23 minutes, *nunc pro tunc*, of their deadline to submit their Reply Brief
3 in Support of the Motion for Summary Judgment as to Plaintiffs’ Statutory Claims and
4 Opposition to Plaintiffs’ Motion to Proceed to Resolution on the Merits (the Government
5 Defendants’ “Reply and Opposition”). In support of this motion, the Government Defendants
6 submit:

7 1. The Government Defendants’ Reply and Opposition was due to be filed by midnight on
8 October 17, 2018. *See* ECF No. 420.

9 2. Also on October 17, 2018, the Government Defendants submitted, through United States
10 Department of Justice Litigation Security Group, a Classified Supplement to their Reply in
11 Support of their Motion for Summary Judgment, pursuant to the Court’s Order Requiring
12 Dispositive Motions Briefing, *see* ECF No. 410 at 2, as well as four classified declarations. *See*
13 Notice of Lodging of Classified Submissions for *In Camera*, *Ex Parte* Review, submitted
14 concurrently herewith.

15 3. Due to the high volume of sensitive materials requiring finalization on October 17, 2018,
16 despite the Government Defendants’ best efforts, they were not able to complete the finalization
17 of their Reply and Opposition by the midnight deadline.

18 4. The Government Defendants submitted their Reply and Opposition as quickly as
19 practicable, 3 hours and 23 minutes after midnight.

20 5. The Government Defendants regret any inconvenience this delay may have caused to the
21 Court and Plaintiffs, and respectfully request an extension of 3 hours and 23 minutes, *nunc pro*
22 *tunc*, to submit their Reply and Opposition.

23 6. The deadline for this submission was extended by the Court once before, on October 12,
24 2018, and the requested extension would not otherwise affect the deadlines on the calendar in
25 this matter.

1 Dated: October 18, 2018

2 Respectfully submitted,

3 JOSEPH H. HUNT
4 Assistant Attorney General

5 ANTHONY J. COPPOLINO
6 Deputy Branch Director

7 /s/ Julia A. Heiman
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24 *Attorneys for the Government Defendants*

25 I declare under penalty of perjury under the laws of the United States of America that the
26 foregoing is true and correct.

27 Dated: October 18, 2018

28 /s/ Julia A. Heiman
JULIA A. HEIMAN
Senior Counsel