

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

PHILLIP J. BERG,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 08-1933 (RWR)
)	UNDER SEAL
BARACK HUSSEIN OBAMA JR.,)	
)	
Defendant.)	
)	

ORDER

The docket reflects that the relator in this qui tam action achieved personal service of the summons and complaint with its exhibits upon authorized designees of the United States Attorney and the Attorney General on November 10, 2008. Because the government did not respond within 60 days and the relator moved to unseal the case and proceed, an order was issued directing the government to show cause why its silence should not be deemed consent to allow the relator to conduct the action. The government's February 17, 2009 response challenges that service was proper, but does not substantiate how the personal service reflected on the docket is in error. The government nevertheless acknowledges it has now received the complaint (presumably with the exhibits attached to it) and needs 60 days to review the complaint. Good cause having been shown, it is hereby

ORDERED that the government shall have until April 20, 2009 to respond to relator's complaint. It is further

ORDERED that relator's motion to unseal [#3] be, and hereby is, DENIED without prejudice.

SIGNED this 24th day of February, 2009.



RICHARD W. ROBERTS
United States District Judge