



**U.S. Department of Justice**  
Civil Division  
Federal Programs Branch  
20 Massachusetts Ave, N.W.  
Washington, DC 20530

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July 6, 2017

**VIA ECF**

The Honorable Ronnie Abrams  
United States District Court  
Southern District of New York  
40 Foley Square, Room 2203  
New York, NY 10007

Re: *Citizens for Responsibility and Ethics in Washington, et al. v. Trump*,  
Civil Action No. 1:17-cv-00458-RA

Dear Judge Abrams:

I am the lead counsel for Defendant in this case and I write to seek this Court's reconsideration of its July 5, 2017 Order, denying in part and granting in part the parties' joint proposed briefing schedule for Defendant's motion to dismiss. Specifically, I respectfully request that Defendant be given an eleven (11) day extension until September 22, 2017 to file a reply brief. Counsel for Plaintiffs indicate that they do not oppose the requested extension.

The Court's July 5 Order provided that "no further adjournments will be granted absent good cause." I respectfully submit that good cause exists in light of the circumstances explained below.

On May 11, 2017, the Court adopted a briefing schedule proposed by the parties to account for Plaintiffs' filing of the Second Amended Complaint. The parties had negotiated to complete briefing by August 11, 2017 because I, as lead counsel for Defendant, have a pre-paid vacation to the West Coast and to Hawaii starting on August 12 through Labor Day. After Defendant timely filed his opening brief on June 9, 2017, Plaintiffs sought to extend the deadline for their opposition brief, which undersigned counsel was willing to accommodate on the condition that the revised schedule would not prejudice the Government, given my long-planned vacation schedule (and other deadlines in September 2017). The parties therefore proposed that Plaintiffs' opposition brief be due on August 11, and that Defendant's reply brief be due on October 6, 2017.

The Court's July 5 Order granted Plaintiffs an additional three weeks (or a total of eight weeks) to file an up to 60-page opposition brief and gave Defendant five weeks to file his reply

brief. However, the latter time period encompasses the three weeks when I will be out of the office and will not be able to work on the brief without foregoing a long-planned, pre-paid vacation at substantial personal cost. I have made every effort to accommodate Plaintiffs' need for additional time so long as the revised schedule accommodated in turn my long-standing, pre-existing plans. Otherwise, the Government would not have consented to Plaintiffs' request to revise the prior schedule, under which Defendant's reply brief would have been due on August 11, before my planned leave.

In these circumstances, where Defendant timely filed his opening brief and the need to revise the May 11 briefing schedule was prompted by Plaintiffs, I respectfully request that the Court reconsider its July 5 Order and grant Defendant an additional eleven (11) days from September 11 to September 22 to file his reply brief. Given the novel constitutional issues raised in this case, the number of standing issues relating to four sets of plaintiffs, and the multiple layers of review within the Government, this modest extension should ultimately aid the Court's consideration of Defendant's pending motion to dismiss.

Thank you for your consideration of this request.

Respectfully submitted

CHAD A. READLER  
Acting Assistant Attorney General  
Civil Division

JENNIFER D. RICKETTS  
Branch Director, Federal Programs Branch

ANTHONY J. COPPOLINO  
Deputy Director

/s/ Jean Lin  
JEAN LIN

JAMES R. POWERS  
U.S. Department of Justice  
Civil Division,  
Federal Programs Branch  
20 Massachusetts Ave., NW  
Washington, DC 20530

Counsel for the Defendant