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**UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
EUGENE DIVISION**

KELSEY CASCADIA ROSE JULIANA, et al.,
Plaintiffs,

v.

UNITED STATES OF AMERICA, et al.,
Federal Defendants.

Case No. 6:15-cv-01517-TC

**FEDERAL DEFENDANTS'
MOTION FOR EXTENSION OF
TIME TO FILE ANSWER TO
FIRST AMENDED COMPLAINT**

**EXPEDITED CONSIDERATION
REQUESTED**

Federal Defendants hereby respectfully move for an extension of time, until January 13, 2017, to file their answer to Plaintiffs' First Amended Complaint (ECF No. 7).¹ Because the

¹ On November 17 and 18, undersigned counsel conferred with counsel for Plaintiffs and counsel for Intervenor-Defendants regarding the need for an extension of time and expedited consideration. *See* LR 7.1. While Intervenor-Defendants consent to the requested extension, Plaintiffs do not consent and will file an opposition to this motion on Tuesday, November 22. Neither party opposes expedited consideration.

Court's denial of Federal Defendants' motion to dismiss the complaint was issued on November 10, 2016 (ECF No. 83), the answer is presently due on November 28, 2016. *See* Fed. R. Civ. P. Rule 12(b)(4) and Rule 6(d). This request is made for good cause as follows:

1. Plaintiffs filed the First Amended Complaint ("FAC") on September 10, 2015. The United States filed a Motion to Dismiss for Failure to State a Claim and for Lack of Jurisdiction on November 17, 2015. ECF No. 27. After briefing and oral argument, on April 8, 2016, Magistrate Judge Coffin issued Findings & Recommendation that recommended that the motion to dismiss be denied. ECF No. 68. Federal Defendants filed Objections to the Findings & Recommendation on May 2, 2016. ECF No. 74. After briefing and oral argument, on November 10, 2016, the Court issued an Opinion and Order adopting the Findings & Recommendation and denying the Motion to Dismiss. ECF No. 83. An answer to FAC is due November 28, 2016.
2. The FAC is over 300 paragraphs in length, contains numerous allegations of aggregate conduct by multiple and unspecified defendants, and addresses numerous complex scientific issues. To provide a well-informed answer will require significant coordination and consultation among many different persons who work within large and complex federal agencies. Preparing an answer will be a significant undertaking for the federal agencies and officials named as defendants.
3. This undertaking is likely to be significantly impaired due to the fact that each of the Federal Defendants are in the midst of a transition to a new administration and are subject to the constant changes and reassignment of roles that are taking place within the federal agencies.

4. This undertaking is also likely to be significantly impaired due to the federal holidays over the next several weeks and the end of the calendar year when many federal employees are required to either use or forfeit their earned annual leave.
5. The FAC names as defendants the United States, the President, the Office of the President, three officials with the Executive Office of the President in their official capacities, and eight executive agencies and the heads of those agencies in their official capacities. To answer the FAC will require Federal Defendants to solicit input from each of the named defendants, to resolve any ambiguities in the responses, and to then consolidate the responses in to a single answer. This will require a significant undertaking for counsel.
6. The Court has scheduled a prehearing conference to take place on November 28, 2016, to address issues such as discovery, trial dates, and possible alternative dispute resolution. Judicial efficiency will be served if the parties direct their energies during the limited time they have between now and November 28 to agreeing to a schedule for the proceedings.

For all of the foregoing reasons, Federal Defendants respectfully request that the Court grant this motion for an extension of time until January 13, 2017 for Federal Defendants to file their answer to the FAC.

Dated: November 18, 2016

Respectfully submitted,
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/s/ Sean C. Duffy
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Certificate of Service

I hereby certify that on November 18, 2016, I filed the foregoing with the Clerk of Court via the CM/ECF system, which will provide service to all attorneys of record.

/s/ Sean C. Duffy
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