

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

_____)	
NATIONAL STUDENT LEGAL DEFENSE)	
NETWORK,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 19-3473 (CJN)
)	
UNITED STATES DEPARTMENT OF)	
EDUCATION,)	
)	
Defendant.)	
_____)	

**DEFENDANT’S UNOPPOSED MOTION FOR EXTENSION OF TIME AND
MEMORANDUM IN SUPPORT THEREOF**

Defendant, by and through undersigned counsel, respectfully moves pursuant to Federal Rule of Civil Procedure (“Rule”) 6(b), for a three-week extension of time, to and including March 16, 2021, within which to submit a supplemental brief and declaration to address the Court’s February 11, 2021 Order (ECF No. 21), and corresponding adjustment to Plaintiff’s response deadline. Defendant’s supplemental submissions are currently due by February 23, 2021, and Plaintiff’s response deadline is currently March 9, 2021. This is Defendant’s first request for an extension of time for this purpose. Pursuant to Local Civil Rule 7(m), the parties conferred and Plaintiff’s counsel has indicated that Plaintiff does not oppose this request.

Good cause exists for granting the requested extension. Undersigned counsel’s competing case obligations will not permit him to prepare Defendant’s supplemental submissions before the current deadline. Defense counsel has worked substantial overtime, including weekends and holidays, in order to meet professional standards and filing deadlines in an exceptionally large docket of active cases pending before this Court, the D.C. Circuit, and the D.C. Superior Court. Between now and the current deadline, defense counsel has thirteen filing deadlines that include

preparing separate oppositions to emergency relief sought on an expedited briefing schedule and class certification in an immigration matter, negotiating numerous status reports, and preparing for multiple hearings. Defense counsel also must participate in time-intensive required training sessions scheduled over the next two weeks and, in fact, will be in training on February 23, 2021, when the supplemental submissions are currently due. Furthermore, counsel has an additional 25 filing deadlines between February 23 and March 16 that require him to prepare numerous responsive pleadings, draft substantive briefs, and negotiate joint status reports. These obligations will not afford defense counsel sufficient time to confer with agency counsel and prepare Defendant's submission before the requested deadline. Additional time is also necessary for counsel to submit any draft brief for agency and supervisory review prior to filing with the Court. As the foregoing demonstrates, Defendant presents this motion out of necessity and not to delay these proceedings.

WHEREFORE, for the reasons articulated above and good cause shown, Defendant respectfully requests that the Court extend the deadline to March 16, 2021, for Defendant file its supplemental submissions and similarly extend the response deadline to March 30, 2021, for Plaintiff to file its response. A proposed order accompanies this submission.

* * *

Dated: February 12, 2021

Respectfully submitted,

MICHAEL R. SHERWIN
Acting United States Attorney

BRIAN P. HUDAK
Acting Chief, Civil Division

By: /s/ Robert A. Caplen
ROBERT A. CAPLEN, DC Bar #501480
Assistant United States Attorney
555 4th Street, N.W.
Washington, DC 20530
(202) 252-2523
robert.caplen@usdoj.gov

Counsel for Defendant

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

_____)	
NATIONAL STUDENT LEGAL DEFENSE)	
NETWORK,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 19-3473 (CJN)
)	
UNITED STATES DEPARTMENT OF)	
EDUCATION,)	
)	
Defendant.)	
_____)	

PROPOSED ORDER

Upon consideration of Defendant’s Unopposed Motion for Extension of Time, for the reasons set forth therein, and for good cause shown, it is, this ___ day of _____, 2021,

ORDERED that the motion is GRANTED; and it is further

ORDERED that the filing deadlines set forth in the Court’s February 11, 2021, Order, ECF No. 21, are hereby extended as follows:

Defendant’s supplemental brief and declaration, if any, due by March 16, 2021; and

Plaintiff’s supplemental response brief, if any, due by March 30, 2021.

UNITED STATES DISTRICT JUDGE