

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 08-80736-CIV-MARRA

JANE DOE #1 and JANE DOE #2,

Petitioners,

vs.

UNITED STATES OF AMERICA,

Respondent.

RESPONDENT'S THIRD MOTION FOR ENLARGEMENT OF TIME
TO FILE DECLARATION IN SUPPORT OF DELIBERATIVE PROCESS PRIVILEGE

Respondent, by and through its undersigned counsel, files its Third Motion for Enlargement of Time to File Declaration in Support of Deliberative Process Privilege, and states:

1. On September 4, 2013, this Court granted the government's motion for enlargement of time to file declaration in support of invocation of the deliberative process privilege. The Court granted the government until Friday, September 13, 2013, to file the declaration.

2. The undersigned expected to be filing, on September 13, 2013, a declaration from a Department of Justice Official to formally invoke the deliberative process privilege for documents from the Office of Professional Responsibility (OPR), and a declaration from the United States Attorney, to formally invoke the deliberative process privilege for documents generated by the U.S. Attorney's Office. When the undersigned did not receive a declaration from the Department of Justice by September 13, 2013, the undersigned believed that the DOJ had determined not to invoke the deliberative process privilege.

3. At the same time, the United States Attorney, Southern District of Florida, was reviewing the documents for which the deliberative process privilege was asserted, to determine

if he would formally invoke the privilege, but the review was not complete. The government requested an enlargement of time to September 20, 2013, to file the United States Attorney's Declaration. D.E. 236. The Court granted the government's motion. D.E. 237. The Declaration of United States Attorney Wifredo A. Ferrer was filed on September 20, 2013.

4. On September 20, 2013, the Office of Professional Responsibility advised the undersigned that the DOJ had not decided against invoking the deliberative process privilege. The reason no declaration was provided on September 13, 2013, was because the Office of the Deputy Attorney General (ODAG) believed the undersigned was working with another DOJ component and had obtained the declaration. The undersigned spoke with OPR, who advised that it needed an additional fourteen (14) days, to review the documents, and finalize the declaration.

5. Accordingly, the government respectfully requests an enlargement of time of fourteen days, up to and including October 4, 2013, to file its declaration from the DOJ in support of the deliberative process privilege. The government regrets seeking another extension, but the additional time sought is to enable the appropriate official to review the documents and formally invoke the deliberative process privilege.

CERTIFICATE OF CONFERENCE

On September 20, 2013, the undersigned contacted petitioners' counsel regarding the instant motion. Petitioners' counsel graciously did not oppose this motion. At present, petitioners' reply in support of their renewed motion for an order directing the U.S. Attorney's Office not to withhold relevant evidence is due on September 30, 2013, ten days after the filing of the government's declaration. D.E. 237. In the event the Court grant's the government's motion, the government respectfully requests that petitioners' date for filing their reply be

enlarged to October 15, 2013.

DATED: September 20, 2013

Respectfully submitted,

WILFREDO A. FERRER
UNITED STATES ATTORNEY

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ATTORNEY FOR RESPONDENT

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on September 20, 2013, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF.

s/ Dexter A. Lee
DEXTER A. LEE
Assistant U.S. Attorney

SERVICE LIST

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