

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 FOURTH MOTION FOR ENLARGEMENT OF TIME
TO FILE DECLARATION IN SUPPORT OF DELIBERATIVE PROCESS PRIVILEGE

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

1. On September 23, 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, October 4, 2013, to file the declaration. D.E. 240.

2. The undersigned had prepared a draft declaration for review by Department of Justice components, including the Office of the Deputy Attorney General (ODAG)), and Office of Professional Responsibility (OPR), and also provided the OPR documents for which the deliberative process privilege had been invoked. The draft and documents were being reviewed in preparation for final approval by the ODAG, and filing by October 4, 2013.

3. On October 1, 2013, the federal government shutdown commenced. Due to the lapse in appropriations, many officials at OPR and the ODAG were furloughed. At mid-week, the undersigned found out that the ODAG official he was working with had been furloughed, as well as the OPR official who had been the main point of contact for obtaining the declaration. The

undersigned has located senior level officials at ODAG and OPR, who have not been furloughed, to seek their assistance in obtaining the declaration.

4. The undersigned has briefed the ODAG official on the privilege issue, the CVRA litigation, and the documents which are the subject of the privilege assertion. Because the process is essentially starting over, the government needs an additional two weeks, up to and including October 18, 2013, to file the declaration invoking the deliberative process privilege. This additional time will permit the ODAG to fully review the matter, pose any questions to the undersigned, and make its determination.

5. Accordingly, the government respectfully requests an enlargement of time of fourteen days, up to and including October 18, 2013, to file its declaration from the DOJ in support of the deliberative process privilege.

CERTIFICATE OF CONFERENCE

On October 4, 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 October 15, 2013, ten days after the filing of the government's declaration. D.E. 240. 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 28, 2013.

DATED: October 4, 2013

Respectfully submitted,

WILFREDO A. FERRER
UNITED STATES ATTORNEY

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ATTORNEY FOR RESPONDENT

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on October 4, 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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