

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

STEPHEN DEARTH and SECOND)
AMENDMENT FOUNDATION, INC.,)
)
Plaintiffs,)
)
v.)
)
ERIC HOLDER, Attorney General of)
the United States, in his official capacity,)
)
Defendant.)
_____)

Civil Action No. 1:09-cv-00587 (RLW)

**DEFENDANT’S UNOPPOSED MOTION
TO AMEND SCHEDULING ORDER**

Defendant respectfully requests that the Court amend the scheduling order [Doc. No. 20] setting a briefing schedule on the parties’ cross-motions for summary judgment. Specifically, Defendant seeks to adjust the schedule by adding two weeks to each deadline set in the schedule. In support of this motion, Defendant states as follows:

Since the entry of the scheduling order, counsel for Defendant has been scheduled to present oral argument in another case on the same day as the deadline for Defendant’s cross-motion for summary judgment, and oral argument in a second case less than a week before that deadline. Owing to this scheduling conflict and the press of other litigation, Defendant respectfully requests that the Court amend the motion deadlines set forth in the scheduling order to the following dates:

1. Plaintiffs shall file their motion for summary judgment on or before October 14, 2011.

2. Defendant shall file his opposition brief to Plaintiffs' motion for summary judgment and cross-motion for summary judgment on or before November 14, 2011.
3. Plaintiffs shall file their reply brief in support of their motion for summary judgment and opposition brief to Defendant's motion for summary judgment on or before December 16, 2011.
4. Defendant shall file his reply brief in support of his cross-motion for summary judgment on or before January 5, 2012.

Plaintiffs have informed Defendant that they do not oppose this motion. Accordingly, Defendant respectfully requests that the Court enter the attached proposed order.

Dated: September 21, 2011

TONY WEST
Assistant Attorney General

RONALD MACHEN
U.S. Attorney for the District of Columbia

/s/ Daniel Riess
SANDRA M. SCHRAIBMAN
Assistant Director
DANIEL RIESS (Texas Bar No. 24037359)
Trial Attorney
U.S. Department of Justice
Civil Division, Rm. 6122
20 Massachusetts Avenue, NW
Washington, D.C. 20530
Telephone: (202) 353-3098
Fax: (202) 616-8460
Email: Daniel.Riess@usdoj.gov
Attorneys for Defendant