UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

DIANE J. SCHROER Plaintiff v. JAMES H. BILLINGTON, Librarian of Congress, DEFENDANT .	)	Civil Action No. 05-1090 (JR)

DEFENDANT'S UNOPPOSED MOTION FOR LEAVE TO FILE AN AMENDED ANSWER AND MEMORANDUM IN SUPPORT THEREOF

Pursuant to Rule 15 of the Federal Rules of Civil Procedure, defendant, James H. Billington, herein moves for leave to file the attached First Amended Answer in the above-captioned case. The difference between the original and First Amended Answer is that the latter does not include the affirmative defense related to plaintiff's alleged failure to fulfill national security clearance requirements. A proposed Order consistent with the relief requested in this Motion is attached hereto.

Date: October 23, 2006

Respectfully Submitted,

/s/ Jeffrey A. Taylor /dch

JEFFREY A. TAYLOR, D.C. BAR # 498610
United States Attorney

/s/ Rudolph Contreras /dch

RUDOLPH CONTRERAS, D.C. BAR #434122
Assistant United States Attorney

/s/ Beverly M. Russell

_____

BEVERLY M. RUSSELL, D.C. Bar #454257
Assistant United States Attorney
JULIA K. DOUDS
Special Assistant United States Attorney
U.S. Attorney's Office for the
District of Columbia
555 4th Street, N.W.
Washington, D.C. 20530
Ph: 202-307-0492
Fax: 202-514-8780
E-Mail: beverly.russell@usdoj.gov

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that service of the foregoing Defendant's Unopposed Motion for Leave to File an Amended Answer and Memorandum in Support Thereof and First Amended Answer were made by the Court's Electronic Case Filing System this 23rd day of October, 2006 to:

Arthur B. Spitzer
American Civil Liberties Union
of the National Capital Area
1400 20th Street, N.W., #119
Washington, D.C. 20036
Artspitzer@aol.com

Sharon M. McGowan/
Kenneth Y. Choe
American Civil Liberties Union Foundation
125 Broad Street
New York, New York 10004
Smcgowan@aclu.org

/s/ Beverly M. Russell

BEVERLY M. RUSSELL
Assistant United States Attorney