UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

DIANE J. SCHROER, Plaintiff, v. JAMES BILLINGTON, In his official capacity as Librarian of Congress, Defendant.	)	Civil Action No. 05-1090 (JR)

DEFENDANT'S MOTION FOR LEAVE TO FILE A SURREPLY TO PLAINTIFF'S REPLY MEMORANDUM IN SUPPORT OF PLAINTIFF'S MOTION FOR LEAVE TO AMEND HER COMPLAINT

Defendant, James Billington, Librarian of Congress, respectfully moves for leave to file the attached surreply in response to Plaintiff's reply memorandum in support of her motion for leave to amend her complaint. Defendant believes that Plaintiff's reply, similar to her motion to amend her complaint, contains assertions which are inexcusably misleading, and thus, a response to those assertions is necessary. Pursuant to Local Rule 7(m), the undersigned counsel consulted with Plaintiff's counsel who stated that Plaintiff does not oppose Defendant's motion for leave to file a surreply.

A proposed Order consistent with the relief requested in this motion is attached.

Respectfully submitted,

/s/ Jeffrey A. Taylor /dvh

_____

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

/s/ Rudolph Contreras

_____

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
U.S. Attorney's Office for the District of Columbia,
Civil Division
555 4th Street, N.W., Rm. E-4915
Washington, D.C. 20530
Ph: (202) 307-0492
Fax: (202) 514-8780
E-mail: beverly.russell@usdoj.gov

/s/ Julia K. Douds /bmr

_____

JULIA K. DOUDS
Special Assistant United States Attorney
U.S. Attorney's Office for the District of Columbia,
Civil Division
555 4th Street, N.W.
Washington, D.C. 20530
Ph: (202) 514-5134
Fax: (202) 514-8780
E-mail: jdou@loc.gov

OF COUNSEL:
EVELIO RUBIELLA
Assistant General Counsel
Library of Congress

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that service of the foregoing ***Defendant's Motion for Leave to File a Surreply to Plaintiff's Reply Memorandum in Support of Plaintiff's Motion for Leave to Amend Her Complaint*** was made by electronic and first class mail on the 28th day of June, 2007 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