

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

US DOMINION, INC., <i>et al.</i> ,)	
Plaintiffs,)	
v.)	
SIDNEY POWELL, <i>et al.</i> ,)	Civil Action No. 1:21-cv-00040-CJN
Defendants.)	
)	
)	

**DEFENDANTS’ UNOPPOSED MOTION TO ENLARGE TIME
TO ANSWER THE COMPLAINT**

Pursuant to Local Rule 7 and FED. R. CIV. P. 6(b), defendants Sidney Powell and Sidney Powell, P.C. (collectively, the “Powell Defendants”) and Defending the Republic (“DTR”) respectfully move to extend until Friday, September 24, 2021, the time within which to answer the complaint (ECF #1). Under FED. R. CIV. P. 12(a)(4)(A), defendants have fourteen (14) days after the denial of a Rule 12 motion to answer a complaint, and the Court denied defendants’ motion to dismiss in a Memorandum and Order (ECF #45, #44, respectively) issued on August 11, 2021. The requested extension would extend by thirty (30) days the current deadline of August 25, 2021. Pursuant to Local Rule 7(m), the parties’ counsel conferred about the proposed extension, and the plaintiffs do not oppose the extension. In support of this motion, defendants aver as follows:

1. Pursuant to Paragraph 9(b)(i) of this Court’s standing order (ECF #4), the answer to the complaint is currently due by August 25, 2021.
2. Pursuant to Paragraph 9(b)(ii) of this Court’s standing order (ECF #4), defendants were granted an extension by Minute Order dated February 10, 2021, and the parties—*i.e.*, plaintiffs and defendants—were granted extensions by Minute Order dated April 2, 2021.
3. Pursuant to Paragraph 9(b)(iv) of this Court’s standing order, the requested extension does not affect any other deadlines, and Paragraph 9(b)(v) is not applicable by its terms.

4. Pursuant to Paragraph 9(b)(vi) of this Court's standing order, the plaintiffs do not oppose the requested extension.

5. Pursuant to Paragraph 9(b)(iii) of this Court's standing order, defendants seek the requested extension for the following good cause:

- The complaint spans 124 pages and includes 114 exhibits totaling more than 2,000 pages, which itself can constitute good cause for an extension. *See, e.g., McFadden v. Washington Metro. Area Transit Auth.*, No. 1:14-cv-1115-RBW, 2014 U.S. Dist. LEXIS 200354, at *6 (D.D.C. Sept. 9, 2014) (finding good cause in that “the coordination of filing responsive pleadings to a lengthy complaint with multiple defendants, involving multiple federal and state claims, is a complicated, tedious, and time-consuming task”).
- The undersigned defendants' counsel has the following deadlines between the Court's denial of the motion to dismiss and the original deadline: (a) a motion for leave to file a supplemental appendix in Nos. 19-2405, 2406, 2583 (3d Cir.) on August 16, 2021; (b) work on an amended complaint initially due August 16, 2021, but extended to August 23, 2021, in No. 4:21-cv-00579-P (N.D. Tex.); (c) work on a reply in support of a preliminary injunction due August 23, 2021, in No. 3:21-cv-0168-JVB (S.D. Tex.); (d) an opening brief and appendix due August 23, 2021, in No. 5-21-0146 (Ill. App., 5th Dist.); and (e) a petition for a writ of mandate due within 10 days of an order expected imminently in No. RG18914802 (Alameda County Superior Court), as well as an informal deadline to prepare a settlement proposal in that litigation. In addition, the undersigned defendants' counsel also is working on an *amicus* brief in No. 21-147 (U.S.) due September 2, 2021, a reply brief due September 3, 2021, in No. 21-5080 (D.C. Cir.), and a petition for a writ of *certiorari* that the clients want filed before the U.S. Supreme Court resumes its requirement

for booklet-format filings on September 1, 2021. Finally, on a personal matter, the undersigned defense counsel took vacation on August 13-14, 2021, to move his son back to university for the 2021-22 academic year.

- The Powell Defendants' lead counsel—Mr. Kleinhendler—has the following deadlines between the Court's denial of the motion to dismiss and the original deadline: (a) a hearing on a motion to dismiss in No. 151136/2021 (New York Cty, N.Y. Supr. Ct.) on August 17, 2021; (b) an answer due on September 3, 2021, in No. 1:21-cv-6475-AT (S.D.N.Y.); and (c) various deadlines remaining in August other cases.
- DTR is in the process of seeking additional counsel, insofar as (a) DTR's counsel—Mr. Binnall—is in the process of withdrawing from this matter; and (b) the undersigned counsel was intended to serve—and has the capacity to serve—only as local counsel to another counsel's lead.

In sum, defendants seek this enlargement of time to enable their counsel to analyze the factual allegations in a lengthy complaint supplemented by numerous lengthy exhibits and then to prepare an answer to the robust allegations that plaintiffs set forth throughout their complaint.

6. Defendants respectfully submit that the foregoing constitutes good cause for an extension under FED. R. CIV. P. 6(b)(1) (“[w]hen an act may or must be done within a specified time, the court may, for good cause, extend the time”), that they do not seek this enlargement for purpose of delay or frustration of the progress of this matter, and that the enlargement would not unduly burden plaintiffs.

WHEREFORE, defendants respectfully ask this Court to extend until September 24, 2021, the time within which all defendants may answer the complaint (ECF #1).

Dated: August 17, 2021

Respectfully submitted,

/s/ Lawrence J. Joseph

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CERTIFICATE OF SERVICE

I hereby certify that on this 17th day of August 2021, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which I understand to have served counsel for the parties.

/s/ Lawrence J. Joseph

Lawrence J. Joseph