

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

ROBERT HUNTER BIDEN,

Plaintiff,

v.

UNITED STATES INTERNAL REVENUE  
SERVICE,

Defendant.

Civil Action No. 1:23-cv-02711-TJK

Hon. Timothy J. Kelly

**JOINT MOTION TO EXTEND PLAINTIFF'S TIME TO RESPOND TO DEFENDANTS'  
PARTIAL MOTION TO DISMISS AND DEFENDANTS' TIME TO REPLY**

Plaintiff Robert Hunter Biden (“Mr. Biden”), together with Defendants the United States of America and the Internal Revenue Service (collectively, the “Defendants”), pursuant to Rule 6(b)(1)(A) of the Federal Rules of Civil Procedure, Civil Rule 7(m) of the Local Rules of the United States District Court for the District of Columbia, and Rule 10 of Your Honor’s Standing Order in Civil Cases, jointly move for an extension of time to respond and reply, respectively, to Defendants’ partial motion to dismiss Mr. Biden’s Complaint. (ECF No. 13.) The Parties jointly move to extend Mr. Biden’s time to respond to Defendants’ partial motion to dismiss by 21 days to February 20, 2024, and jointly move to extend Defendants’ time to reply to Mr. Biden’s response by 14 days to March 12, 2024. In support of this joint motion, the Parties assert the following:

1. Mr. Biden filed his suit against the United States Internal Revenue Service on September 18, 2023, seeking damages for the alleged wrongful disclosure of his confidential tax return information in violation of 26 U.S.C. § 6103 and alleged violations of the Privacy Act, 5 U.S.C. § 552a. (ECF No. 1.)

2. Mr. Biden served the United States Attorney's Office for the District of Columbia with the Complaint and Summons on September 18, 2023. (ECF No. 7.)

3. Defendants requested, and Mr. Biden agreed, to the filing of an unopposed motion to extend time to answer or otherwise respond to Mr. Biden's Complaint on November 13, 2023. (ECF No. 10.)

4. Defendants' answer or response would have been due on November 17, 2023, but Mr. Biden agreed to a 60-day extension.

5. The Court granted Defendants' unopposed motion to extend time on November 15, 2023. (Minute Order, dated 11/15/2023.)

6. Pursuant to the extension, Defendants filed a partial motion to dismiss Mr. Biden's Complaint on January 16, 2024. (ECF No. 13.)

7. Pursuant to Local Civil Rule 7(b), an opposing party must serve and file a response in opposition within 14 days of the date of service or at such other time as the Court may direct. Accordingly, Mr. Biden's deadline to respond to Defendants' partial motion to dismiss is January 30, 2024.

8. Rule 6(b)(1)(A) of the Federal Rules of Civil Procedure permits the Court to extend the time for answering, moving, or otherwise responding to the complaint for good cause shown. Good cause exists to extend Mr. Biden's deadline to respond to the partial motion to dismiss to February 20, 2024. Mr. Biden's counsel is in the process of reviewing the Defendants' partial motion to dismiss and assessing the appropriate response to the motion. In addition, Mr. Biden's counsel has a number of filing deadlines in his two criminal cases and several of his pending civil cases in the next few weeks.

9. Pursuant to Local Civil Rule 7(d), a moving party may serve and file a reply memorandum within 7 days of the date of service of a memorandum in opposition. Accordingly, Defendants' deadline to reply to Mr. Biden's response to the partial motion to dismiss would be February 27, 2024.

10. Good cause exists to extend Defendants' deadline to reply to Mr. Biden's response to the partial motion to dismiss to March 12, 2024. Defendants must coordinate their reply with the IRS and multiple components of the Department of Justice.

11. This is Mr. Biden's first request for an extension. In answering or otherwise responding to Mr. Biden's Complaint, Defendants were granted one prior request for an extension. (ECF No. 10; Minute Order, dated 11/15/2023.) The Court has not entered a scheduling order in this case and granting the requested extension will not affect any previously set deadlines.

12. Pursuant to Local Civil Rule 7(m), Mr. Biden's counsel conferred with Defendants' counsel, Mary E. Smith, via e-mail on January 22, 2024. The Parties agreed to jointly seek the relief requested in this Motion.

WHEREFORE, the Parties respectfully request that the Court extend the time for Plaintiff to file a response to the partial motion to dismiss to Tuesday, February 20, 2024, and extend the time for Defendants to file a reply to that response to Tuesday, March 12, 2024. A proposed order is attached to this Motion.

[SIGNATURES ON FOLLOWING PAGE]

Dated: January 23, 2024

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 23rd day of January, 2024, I filed the foregoing Joint Motion to Extend Plaintiff's Time to Respond to the Partial Motion to Dismiss and Defendants' Time to Reply with the Clerk of Court using the CM/ECF system, which will send a notification of such filing to all counsel of record.

/s/Abbe David Lowell

Abbe David Lowell

*Counsel for Robert Hunter Biden*