

**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-RC

Hon. Rudolph Contreras

**CONSENT MOTION TO EXTEND THE PARTIES' TIME TO RESPOND TO
JOINT MOTION TO INTERVENE BY INTERVENOR-DEFENDANTS**

Pursuant to Federal Rule of Civil Procedure 6(b)(1)(A) and Local Civil Rule 7(m), Plaintiff Robert Hunter Biden, with the consent of both Defendants the United States of America and the Internal Revenue Service (collectively, the “Defendants”) and Intervenor-Defendants Gary Shapley and Joseph Ziegler (collectively, the “Intervenors”), moves this Court for an extension of time for both Plaintiff and Defendants to respond, individually, to the Joint Motion to Intervene that was filed on May 17, 2024. (ECF 22.) Mr. Biden moves to extend Plaintiff and Defendants’ time to respond to the Joint Motion to Intervene by 30 days from May 31, 2024 to July 1, 2024. In support of this Motion, Mr. Biden asserts the following:

1. Mr. Biden filed his suit against the IRS 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 filed a partial motion to dismiss Mr. Biden's Complaint on January 16, 2024. (ECF No. 13.)

4. Mr. Biden filed an Amended Complaint on February 5, 2024. (ECF No. 15)

5. Defendants filed a partial motion to dismiss Mr. Biden's Amended Complaint on February 27, 2024. (ECF No. 17). Mr. Biden filed his memorandum in opposition to the partial motion to dismiss on April 12, 2024. (ECF 20.)

6. Defendants filed a reply memorandum in support of their partial motion to dismiss on May 10, 2024. (ECF 21.)

7. Thereafter, on May 12, 2024, Intervenor's counsel e-mailed Mr. Biden's counsel to advise that Messrs. Shapley and Ziegler intended to file a joint motion to intervene in this matter for the purpose of filing a motion to dismiss all counts of the Amended Complaint, and to ask for Mr. Biden's position on such a motion. On May 13, Mr. Biden's counsel responded that Mr. Biden opposes the Rule 24 motion to intervene due to a lack of standing, among other reasons.

8. On Friday May 17, Intervenor's filed a Motion to Intervene in this matter. (ECF 22.)

9. 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.

10. Counsel for Defendants has advised that it intends to respond to the Motion to Intervene, as does Mr. Biden. Accordingly, the Parties' deadline to respond to Intervenor's Motion to Intervene is May 31, 2024.

11. Federal Rule of Civil Procedure 6(b)(1)(A) permits the Court to extend the time for answering, moving, or otherwise responding to the partial motion to dismiss the Amended Complaint for good cause shown. Good cause exists to extend the Parties' deadline to respond to the Joint Motion to Intervene to July 1, 2024. As Mr. Biden advised the other parties, his counsel is currently preparing for a criminal trial of Mr. Biden, scheduled to begin on June 3, 2024 in

Delaware. The same trial counsel representing Mr. Biden in that matter is the lead counsel for him in this matter.

12. With all that needs to get done in the next week to prepare for trial, including several pre-trial deadlines between now and May 31, when a response would be due, Mr. Biden's counsel respectfully requests that this Court extend the time to respond to the Joint Motion to Intervene, which involves weighty issues and requires a fulsome response.

13. Pursuant to Local Civil Rule 7(m), Mr. Biden's counsel conferred with counsel for both Defendants and Intervenor via e-mail.

14. On May 22, 2024, Defendants' counsel (Ms. Smith) consented to Mr. Biden's 30-day extension request of the deadline to respond to the motion to intervene. The Parties agree that it makes sense to have the same response deadline for both Plaintiff and Defendant.

15. On May 23, 2024, Intervenor's counsel (Mr. Lytle, for Mr. Shapley, and Mr. Rowley, for Mr. Ziegler) also consented to Mr. Biden's 30-day extension request of the deadline to respond to the motion to intervene, from May 31 to July 1, 2024, for both parties to file any opposition.

16. This is Mr. Biden's first request for an extension to respond to Intervenor's Joint Motion to Intervene filed on May 17, 2024. The Court has not entered a scheduling order in this case and granting the requested extension will not affect any previously set deadlines.

WHEREFORE, on the consent of all parties, Mr. Biden respectfully requests the Court extend the deadline for both Plaintiff and Defendants to file a response to the Joint Motion to Intervene to July 1, 2024. A proposed order is attached to this Motion.

Dated: May 24, 2024

Respectfully submitted,

/s/ Abbe David Lowell

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CERTIFICATE OF SERVICE

I hereby certify that on this 24th day of May, 2024, I filed the foregoing Motion to Extend the Parties Time to Respond to the Motion to Intervene 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