IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

WE THE PEOPLE FOUNDATION INC., et al.,)
Plaintiffs,)
v.) No. 1:04-cv-01211 EGS)
UNITED STATES, et al.,)
Defendants.)

<u>DEFENDANTS' MOTION FOR AN EXTENSION OF TIME TO SERVE A REPLY IN</u> SUPPORT OF DEFENDANTS' MOTION TO DISMISS

Defendants, by and through undersigned counsel, respectfully move the Court for the entry of an order extending the time to December 22, 2004 by which defendants must serve a reply, if any, in support of defendants' motion to dismiss.

In support of this request, the defendants aver that, due to the extensive length of the plaintiffs' opposition papers, and the gravity of the relief sought by the plaintiffs, the defendants will not be able to make a full and complete reply within the time required by the Rules. It is anticipated that the defendants will be able to fully reply in support of their motion to dismiss on or before December 22, 2004.

Certificate of Counsel pursuant to L. Civ. R. 7.1(m). On November 24, 2004, the undersigned attempted to contact, by telephone, counsel for the plaintiffs and Robert Schultz, plaintiff *pro se*, to determine whether there is any opposition to the relief sought by this motion. Robert Shultz advised undersigned counsel that he intended to oppose the motion. Counsel for the remaining plaintiffs did not return

these telephone calls. However, plaintiff have stated in their pleadings with the Court that they "will return the courtesy of consenting to additional time for the Defendants to file their reply[.]" (Pl.'s Mot. Extension Time (Docket Nos. 11,12) 1.)

Accordingly, the defendants respectfully request that the Court grant their motion for an extension of time to December 22, 2004 in which to serve a reply, if any, in support of defendants' motion to dismiss.

Dated: November 24, 2004

Respectfully submitted,

__/s/ Ivan C. Dale IVAN C. DALE Trial Attorney, Tax Division U.S. Department of Justice Post Office Box 227 Washington, DC 20044

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OF COUNSEL:

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