

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

JOHN EAKIN,	§	
	§	
Plaintiff,	§	
	§	
vs.	§	Civil Action No. SA-16-CV-0972
	§	
UNITED STATES DEPARTMENT	§	
OF DEFENSE,	§	
	§	
Defendant.	§	

DEFENDANT’S UNOPPOSED MOTION FOR AN EXTENSION OF TIME

The Defendant, United States Department of Defense (“DoD”), hereby moves for an extension of time to respond to Plaintiff’s motion seeking clarification and requesting the production of documents [Doc. at 33], and in support thereof states as follows:

1. Plaintiff, John Eakin, filed a request with the Department of Defense (DoD) under the Freedom of Information Act (FOIA) for all World War II Individual Deceased Personnel Files (IDPFs) and/or X-Files, which exist in digital or electronic format, which is the basis for this FOIA litigation.
2. Plaintiff and DoD filed cross-motions for summary judgment in this matter, and the government sought, in the alternative, an *Open America* stay. This Court entered an order on those motions on August 2, 2017. [Doc. at 30].
3. On January 17, 2018, Plaintiff filed a motion seeking clarification of the Court’s August 2, 2017 order, and requesting the production of documents. [Doc. at 31].
4. Defendant’s response to Plaintiff’s motion is due on or before January 24, 2018.
5. Defendant needs additional time to respond to the allegations and demands in Plaintiff’s motion. Counsel for the government has been unable to consult with individuals in the

DoD who are familiar with Plaintiff's allegations. The scheduling of meetings with the relevant individuals has been difficult, in part, due to the recent government shutdown. After consulting with DoD, counsel for the government will also need time to draft an appropriate response.

6. For these reasons, the government requests an additional 14 days or until February 7, 2018 to respond to Plaintiff's motion.
7. Undersigned counsel has emailed with Mr. Eakin regarding this request. Mr. Eakin does not oppose an extension of time.

For the reasons cited herein, DoD respectfully requests an additional 14 days or until February 7, 2018, to respond to Plaintiff's motion.

DATED: January 24, 2018

Respectfully submitted,

JOHN F. BASH,
United States Attorney

By: /s/ MARY F. KRUGER
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ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was electronically filed via the Court's CM/ECF system on this 24th day of January, 2018, and was served via U.S. Mail as follows:

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PRO SE

/s/ MARY F. KRUGER
MARY F. KRUGER
Assistant United States Attorney