

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

JUDICIAL WATCH, INC.,)
)
Plaintiff,)
) Case Number: 24-cv-00700-TJK
v.)
)
U.S. DEPARTMENT OF JUSTICE,)
)
Defendant.)
_____)

**PLAINTIFF JUDICIAL WATCH’S OPPOSITION
TO DEFENDANT’S MOTION TO EXTEND**

Plaintiff Judicial Watch, Inc., by counsel, respectfully submits this opposition to Defendant U.S. Department of Justice’s Motion to Extend Deadline to File Schedule. Plaintiff also requests a hearing pursuant to Local Rule 7(f).

1. Judicial Watch opposes Defendant’s motion for an extension for the same reasons as it opposes Defendant’s motion to consolidate. This case could not be any more straightforward, and Defendant cannot and does not provide any substantive reasons why an extension of time is necessary at this time.

2. On February 8, 2024, Judicial Watch submitted a FOIA request to Defendant seeking all transcripts, audio recordings, and video recordings of all interviews of President Biden conducted during the investigation led by Special Counsel Robert Hur. Judicial Watch, along with other media organizations as well as Congressional committees, have sought these materials to enable the public to form its own conclusions about the Special Counsel’s characterizations of President Biden’s testimony.

3. Because Defendant failed to provide Judicial Watch with a final determination within the statutory timeframe, Judicial Watch filed suit on March 11, 2024.

4. On April 15, 2024, Defendant filed its Answer. Defendant also on April 15, 2024 produced the transcripts responsive to Plaintiff's FOIA request.

5. On April 16, 2024, the Court entered a minute order requiring the parties to "meet, confer, and file, by April 30, 2024, a joint proposed schedule for briefing or disclosure."

6. Judicial Watch has sought to meet and confer with Defendant on what remains at issue in this case. From Judicial Watch's perspective, the remaining issue is whether Defendant will produce the audio and video recordings of the interviews in which Defendant produced transcripts. Since the transcripts were produced with limited redactions, Plaintiff believes the recordings should also be produced with the same limited redactions. If that were to occur, Plaintiff would stipulate to dismissal of its case.

7. Defendant, for whatever reason, has not and will not state whether it will produce the audio and video recordings. Instead, Defendant seeks to delay. Defendant does not identify any reason why it needs an extension but for the pending motion to consolidate. It asserts that it would be too difficult to meet and confer at three different times.

8. Defendant, however, can alleviate any administrative burden by informing Judicial Watch and the Court whether it intends to produce the recordings. If it produces the recordings, the case is over. If it decides to withhold the recordings, summary judgment briefing would ensue. If such briefing would take place, as Judicial Watch informed Defendant previously, Judicial Watch would not oppose consolidation. Judicial Watch would also be willing to set a schedule to allow the other plaintiffs to participate. In other words, Defendant should be required to inform Judicial Watch and this Court how it intends to proceed.

9. There is nothing in the record indicating a decision has not been made or cannot be made at this time. Defendant's two motions are silent on that issue, and its silence is telling. The requested extension is nothing more than a delay tactic.

10. Defendant's motion therefore should be denied, and Defendant should meet and confer with Judicial Watch about how this case should proceed and file the joint report by the existing April 30, 2024 deadline.

Dated: April 23, 2024

Respectfully submitted,

/s/ Michael Bekesha
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