

**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 THE AMENDED COMPLAINT
AND DEFENDANTS' TIME TO REPLY**

Plaintiff Robert Hunter 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 Amended Complaint. (ECF No. 15.) The Parties jointly move to extend Mr. Biden's time to respond to Defendants' partial motion to dismiss the Amended Complaint by 30 days to April 12, 2024, and jointly move to extend Defendants' time to reply to Mr. Biden's response by 21 days to May 10, 2024. In support of this joint Motion, the Parties assert 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 were granted an extension to answer or otherwise respond to Mr. Biden's Amended Complaint on February 12, 2024. (Minute Order, dated 2/12/2024).

6. Pursuant to that extension, Defendants filed a partial motion to dismiss Mr. Biden's Amended Complaint on February 27, 2024. (ECF No. 17).

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 March 12, 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 partial motion to dismiss the Amended Complaint for good cause shown. Good cause exists to extend Mr. Biden's deadline to respond to the partial motion to dismiss the Amended Complaint to April 12, 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 pleadings deadlines in his pending criminal and civil cases in the next few weeks.

9. Pursuant to Local Civil Rule 7(d), a moving party may serve and file a reply brief 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 7 days after the date of Mr. Biden's filing.

10. Good cause exists to extend Defendants' deadline to reply to Mr. Biden's response to the partial motion to dismiss to May 10, 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 to respond to Defendants' partial motion to dismiss the Amended Complaint. In answering or otherwise responding to Amended Complaint, Defendants were granted one prior request for an extension. (ECF No. 16; Minute Order, dated 2/12/2024). 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 March 1, 2024. The Parties agreed to jointly seek the relief requested in this Motion.

WHEREFORE, the Parties respectfully request the Court extend the time for Mr. Biden to file a response to the partial motion to dismiss the Amended Complaint to Friday, April 12, 2024, and extend the time for Defendants to file a reply to that response to Friday, May 10, 2024. A proposed order is attached to this Motion.

Dated: March 4, 2024

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on this 4th day of March, 2024, I filed the foregoing Joint Motion to Extend Plaintiff's Time to Respond to the Partial Motion to Dismiss the Amended Complaint 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