

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

THOMAS C. PORTA, et al.,	)	
	)	
and	)	
	)	
ANDREW D. BARTH, et al.,	)	No. 05-14210C
	)	& No. 05-759C
Plaintiffs,	)	
	)	CONSOLIDATED
v.	)	
	)	(Judge Firestone)
THE UNITED STATES,	)	
	)	
Defendant.	)	

**DEFENDANT’S THIRD SUPPLEMENT TO MOTION  
TO ENLARGE TIME TO RESPOND TO DISCOVERY**

Pursuant to the Court’s order of June 22, 2007, the United States respectfully files this third supplement to its motion to enlarge the time to respond to the discovery, enumerated in the Court’s order on May 3, 2007, for an additional thirty-seven days, through and including August 8, 2007. This is the third supplement to the first enlargement of time requested for this purpose. Plaintiffs’ counsel stated via telephone on June 27, 2007, that plaintiffs do not oppose this supplement to our motion to enlarge the time for discovery.

As set forth in our motion to enlarge time filed May 24, 2007, we were unable to determine the time required to complete the searches of archived emails requested by the plaintiffs, and sought a stay of the response deadline until we could determine the time required (Docket No. 59). As set forth in our first supplement to our motion to enlarge time filed June 7, 2007, we determined that the time and cost of the searches originally requested by plaintiffs would be unduly burdensome and expensive, and we sought a further stay of the response deadline until we could reach an amicable resolution of this discovery dispute with the plaintiffs

(Docket No. 61). As set forth in our second supplement to our motion to enlarge time filed June 18, 2007, we reached an initial agreement with the plaintiffs whereby we would conduct a limited number of additional searches of archived emails, and sought a stay of the response deadline in order that we could determine the time required to conduct these additional searches (Docket No. 64). The Office of Information Technology of United States Customs and Border Protection has now been able to provide an estimate of the time and cost of these additional searches. Accordingly, we have initiated the searches and informed the plaintiffs that we will be able to produce the results of these searches to them by August 8, 2007. Counsel for plaintiffs has consented to this new response deadline for the production of documents in this matter.

For these reasons, we respectfully request that the Court grant our request to enlarge the time by which the Government must respond to the discovery enumerated in the Court's May 3, 2007, order by thirty-seven days, through and including August 8, 2007.

Respectfully submitted,

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July 2, 2007

Attorneys for Defendant

CERTIFICATE OF FILING

I hereby certify that on this 2nd day of July 2007, a copy of the foregoing “THIRD SUPPLEMENT TO DEFENDANT’S MOTION TO ENLARGE TIME TO RESPOND TO DISCOVERY” was filed electronically. I understand that notice of this filing will be sent to all parties by operation of the Court’s electronic filing system. Parties may access this filing through the Court’s system.

s/ Maame A.F. Ewusi-Mensah