UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

THOMAS DRAKE, DIANE ROARK, ED LOOMIS, J. KIRK WIEBE and WILLIAM BINNEY,)))
Plaintiffs,)
v.) Civil Case No. 15-1353 (RJL)
KEITH ALEXANDER,	<i>)</i>)
MICHAEL HAYDEN,) Jury Trial Demanded
LANNY A. BREUER,)
JOHN CHRIS INGLIS,)
VITO T. POTENZA,)
STEVEN A. TYRRELL,)
NATIONAL SECURITY AGENCY,)
US DEPARTMENT OF JUSTICE,)
ROBERT S. MUELLER, III,)
FEDERAL BUREAU OF)
INVESTIGATION,)
)
Defendants.)

MOTION FOR EXTENSION OF TIME TO EFFECTUATE SERVICE Plaintiffs THOMAS DRAKE, DIANE ROARK, ED LOOMIS, J. KIRK

WIEBE, WILLIAM BINNEY, move pursuant to Fed R. Civ. P. 4(m) for a forty-five (45) day extension of time to effectuate service upon the Defendants. The grounds for the Motion are as follows:

- 1. Plaintiffs filed their complaint on August 20, 2015, by and through prior counsel Larry Klayman, Esquire.
- Prior counsel was notified of the termination of his services by Plaintiffs on October 13,
 2015.

- 3. Despite written confirmation of his receipt of the Plaintiffs' individual notices of termination on October 13, 2015, Plaintiffs' prior counsel has not to date filed his Notice of Withdrawal as Counsel of Record in this case.
- 4. Prior counsel never sought or obtained issuance of the summons in this case.
- 5. Undersigned counsel appeared in this action on November 13, 2015. It is anticipated that additional co-counsel will appear in this matter on Plaintiffs' behalf in the near future.
- 6. The 120-day deadline for effectuating service upon the Defendants is December 18, 2015.
- 7. Good cause exists for allowing plaintiff(s) a sixty (60) day extension of time to effectuate service upon the Defendants because the summonses were never issued and service was never attempted by prior counsel, thereby putting undersigned counsel in a significant time crisis to have process issued and served. Additionally, the Complaint, as filed, appears to have numerous deficiencies and shortcomings such that an Amendment to Complaint is required.
- 8. It is likely that the present Defendants may change and service will be accordingly affected. Undersigned counsel has just recently been retained, see above, and significant time, effort and resources are being expended to amend the Complaint as required. Additional time is needed to accomplish the task of amendment of the Complaint.
- 9. It is respectfully requested that additional time is required to cure the defects and properly serve the Amended Complaint.

WHEREFORE for the foregoing reasons Plaintiffs respectfully request an extension of

time to effect service in this cause of sixty (60) additional days, i.e., on or before Tuesday February 16, 2016.

Respectfully submitted this 16th day of November, 2015.

s/Bruce Fein

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