UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

US RIGHT TO KNOW,
Plaintiff,
v.
DEFENSE INTELLIGENCE AGENCY,
Defendant.

Civil Action No. 24-0982 (TNM)

PLAINTIFF'S OPPOSITION TO DEFENDANT'S MOTION FOR EXTENSION OF TIME TO COMPLETE PROCESSING OF DOCUMENTS

Plaintiff US Right to Know ("USRTK") respectfully opposes Defendant Defense Intelligence Agency's ("DIA") Motion for Extension of Time to Complete Processing of Documents ("Motion"). That Motion seeks to extend DIA's deadline to complete processing from June 16, 2026, to August 14, 2026, and to continue the hearing now set for June 22, 2026.

This action is over two years old. ECF at No. 1. On January 14, 2026, after repeated violations of its prior orders, this Court ordered DIA to complete all processing by June 16, 2026. *See* Order dated January 14, 2026, at ECF No. 22. That same Order set a hearing at which DIA's General Counsel would be required to appear if DIA did not comply. *Id*. DIA now asks this Court to alter both its production deadline and the accountability mechanism[1] embodied in it. *Id*. In seeking relief from this Court's January Order DIA offers the same general

[1] At the status conference on January 14, 2026, this Court also relieved parties of prior and regular status reporting requirements after issuing its Order.

consultation/referral explanation it has been giving since at least April 14, 2025. *See* Joint Status Report ("JSR") dated July 11, 2025, ECF No. 17 at 1. DIA asserts that somehow these consultations and a processing rate described in its Motion (ECF at No. 23) that does not even match that ordered by this Court in its Minute Order dated July 18, 2025, meets the "good cause" standard under Fed. R. Civ. P. 6(b).

As an initial matter DIA's Motion appears to be a motion for reconsideration of this Court's interlocutory Order dated January 14, 2026. ECF at No. 22. The applicable standard is thus that under Fed. R. Civ. P. 54(b)[2] rather than the more liberal standard under Fed. R. Civ. P. 6(b). DIA's Motion, however, meets neither standard.

Under Rule 6(b)(1)(A) a court may grant an extension for "good cause". *Beale v. D.C.*, 545 F. Supp. 2d 8, 14 (D.D.C. 2008). The movant bears the burden of proof. *Schoenman v. F.B.I.*, 841 F. Supp. 2d 69, 75 (D.D.C. 2012). Under Fed. R. Civ. P 54(b), "[t]o prevail on a Motion for Reconsideration, the movant bears the burden of identifying an intervening change of controlling law, the availability of new evidence, or the need to correct a clear error or prevent manifest injustice" *North v. United States Dep't of Just.*, 17 F. Supp. 3d 1, 2 (D.D.C. 2013) (internal quotations omitted).

DIA's repeated non-compliance and repetitive excuses for a period of over one year, if not longer, should preclude a showing of "good cause" under Rule 6(b)(1)(A). For instance, DIA cited the consultation/referral and its alleged inability to control response time of other agencies as early as April 14, 2025, during a status conference before this Court. *See also* JSR

[2] *See Cobell v. Jewell,* 802 F.3d 12, 19 (D.C. Cir. 2015) ("Rule 54(b) allows a litigant to move for reconsideration or modification of a district court's interlocutory order disposing of fewer than all the claims or the rights and liabilities of fewer than all the parties at any time before the court's entry of final judgment.").

dated, July 11, 2025, ECF No. 17 at 1. For instance, in September 2025, Plaintiff reported that DIA had violated the Court's July 18, 2025, Minute Order because, after a mutually agreed[3] production pause expired, DIA failed, *inter alia*, to show that it had resumed any production at all let alone at the rate endorsed by this Court. *See* JSR dated September 12, 2025, ECF No. 19 at 3-5. DIA's explanation then was the same as now: internal review, consultations, referrals, and coordination with other agencies. *Id*., at 5-6. In December 2025, Plaintiff again reported that DIA was still out of compliance with this Court's orders because DIA had processed just 582 pages since May 2025 even though this Court had ordered DIA to process "at least 500 pages per month" in its Minute Order dated July 18, 2025. *See* JSR dated December 20, 2025, ECF No. 21 at 2-3. DIA again sought to excuse itself by citing consultations and referrals with other agencies. *Id*. at 5.[4] In fact DIA's argument for what comprises "good cause" i.e., its processing tasks and consultations appear virtually identical to those described in parties' December 20, 2025, JSR. *Id*.

Courts routinely hold the absence of "good cause" where, as here, there is a long pattern of non-compliance and missed deadlines. *See Schoenman v. F.B.I.*, 841 F. Supp. 2d 69, 74–75 (D.D.C. 2012) (holding plaintiff's "litany of excuses" and repeated failures to meet deadlines insufficient to satisfy the good cause standard under either Rule 6(b)(1)(A) or Rule 16(b)(4)). This is especially so where parties, like DIA here, have known the source of the alleged delaying

[3] The Court held a status conference on April 14, 2025, during which it ordered an in-person meet-and-confer between parties. That process produced a compromise agreement that this Court endorsed in its Minute Order dated May 9, 2025. Under the agreement Plaintiff narrowed its FOIA request and accepted a two-month pause in production so DIA could complete its responsiveness review more efficiently, while DIA agreed to provide a de-duplicated page count and make best efforts to provide a categorical index. ECF No. 19 at 2-3. Pursuant to the agreement production was to resume after the pause, but Plaintiff later showed that DIA did not resume production after the pause expired, did not process records at the rate ordered, and did not provide the agreed categorical index. *Id.* at 3-4; ECF No. 21 at 2-3.

[4] It bears emphasizing that the point of the conferences described *supra* at FN 3 was to make it easier for DIA to process Plaintiff's request and that Plaintiff made significant concessions including agreeing to narrow its request and pause production for two months.

factor long in advance of the motion and failed to correct it. *St. Paul Mercury Ins. Co. v. Capitol Sprinkler Inspection, Inc.*, 246 F.R.D. 56, 59 (D.D.C. 2007). As regards Rule 54(b), DIA's Motion does not say anything about, let alone provide, newly discovered evidence or errors of law or fact that need correction. *North*, 17 F. Supp. 3d at 2.

In addition to failing to carry any of the relevant burdens associated with its Motion, DIA has failed to explain in any detail the state of referrals and consultations and how these do not comprise an improper withholding after over one year. *See McGehee v. CIA*, 697 F.2d 1095, 1110 (D.C. Cir. 1983); *Peralta v. U.S. Attorney's Office*, 136 F.3d 169, 175 (D.C. Cir. 1998). For instance, DIA's Motion fails to say which particular agency referrals or consultations remain outstanding, when each consultation or referral was sent, how many records or pages are pending with each agency, what deadlines DIA requested, what follow-up DIA made, what responses remain, etc. DIA also fails to explain why an issue known since April 2025 could not have been resolved by June 16, 2026, or why an additional two months will make any difference. "[C]ourts have the authority, and perhaps the obligation, to scrutinize closely agency delay". *Elec. Priv. Info. Ctr. v. Dep't of Just.*, 416 F. Supp. 2d 30, 38 (D.D.C. 2006)

For the foregoing reasons this Court should deny DIA's Motion.

Respectfully submitted this 9th day of June 2026,

US RIGHT TO KNOW
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