

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

PUBLIC CITIZEN,)	
)	
Plaintiff,)	
)	
vs.)	Civil Action No. 20-3166 (CRC)
)	
DEPARTMENT OF LABOR,)	
)	
Defendant.)	
_____)	

**JOINT MOTION TO EXTEND TIME FOR
DEFENDANT TO ANSWER OR RESPOND TO COMPLAINT**

Plaintiff and Defendant, by and through undersigned counsel, move pursuant to Federal Rule of Civil Procedure 6(b)(1) for an extension of Defendant’s time until February 1, 2021, to answer or respond to Plaintiff’s Complaint. As grounds of this extension, the parties state as follows.

1. On November 2, 2020, Plaintiff Public Citizen filed a Complaint seeking to compel Defendant, the U.S. Department of Labor, to produce records under the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552. ECF No. 1.

2. The Summons and Complaint were served on the U.S. Attorney’s Office on November 9, 2020. Assuming proper service, Defendant’s deadline to respond to the Complaint is December 9, 2020.

3. The parties have met and conferred regarding the Complaint and the FOIA request underlying the Complaint. The parties anticipate that on or around January 15, 2021, the litigation is likely to become moot because Defendant will post on its website the Calendar Year 2019 Form 300A data submitted through OSHA’s Injury Tracking Application that is the subject of Plaintiff’s FOIA request. Therefore, to avoid unnecessary further litigation, the parties jointly

move that Defendant's deadline to respond to the Complaint be extended to February 1, 2021, if a notice of voluntarily dismissal has not been filed by that date.

4. A proposed order is attached.

Dated: December 7, 2020

Respectfully submitted,

MICHAEL R. SHERWIN
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/s/ Sean M. Tepe

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[ROPOSED] ORDER

Based upon consideration of the Joint Motion to Extend Time for Defendant to Answer or Respond to the Complaint, and for good cause shown, it is hereby ORDERED that:

1. The Joint Motion is GRANTED;
2. Defendant's deadline to answer or respond to the Complaint is February 1, 2021.

SO ORDERED this ____ day of _____, 2020.

U.S. DISTRICT COURT JUDGE