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**UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON  
EUGENE DIVISION**

KELSEY CASCADIA ROSE JULIANA, *et al.*,

Plaintiffs,

v.

THE UNITED STATES OF AMERICA, *et al.*,

Defendants.

Case No. 6:15-cv-1517-AA

**DEFENDANTS' MOTION FOR  
EXTENSION OF TIME TO FILE  
ANSWER TO SECOND AMENDED  
COMPLAINT**

**EXPEDITED CONSIDERATION  
REQUESTED**

Defendants hereby respectfully move for an extension of time, until February 27, 2024, to file their answer to Plaintiffs' Second Amended Complaint (ECF No. 542).<sup>1</sup> Because counsel was served with the Court's denial of Defendants' motion to dismiss the Second Amended Complaint ("SAC") on Saturday, December 30, 2023, the answer is presently due on January 16, 2024. *See* Fed. R. Civ. P. Rule 12(a)(4). This request is made for good cause as follows:

1. Plaintiffs filed the SAC on June 8, 2023. The United States filed a Motion to Dismiss the SAC on June 22, 2023. ECF No. 547. On December 29, 2023, the Court issued an Opinion and Order that largely denied the Motion to Dismiss. ECF No. 565. Undersigned counsel for Defendants was electronically served with the Court's Opinion and Order via a notice of electronic filing from the Court's CM/ECF system on the following day, December 30, 2023. *See* Ex. 1. An answer to the SAC is due January 16, 2024.
2. The SAC is 144 pages in length and addresses numerous complex scientific issues. Defendants previously filed an answer to the First Amended Complaint ("FAC") on January 13, 2017. ECF No. 98. Due to the passage of time since the answer to the FAC was filed and the ongoing development of science, Defendants need to update the answer. To provide a current and well-informed answer will require significant coordination and consultation among many different persons who work within large and complex federal agencies. Preparing an answer will be a significant undertaking for those persons and agencies.

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<sup>1</sup> On January 10, counsel for Defendants conferred with counsel for Plaintiffs regarding the need for an extension of time and expedited consideration. *See* LR 7.1. Counsel for Plaintiffs indicated that they oppose the requests for an extension of time and expedited consideration.

3. This undertaking is likely to be significantly impacted by the fact that since January 2017 there has been turnover in the staff within the federal agencies who assisted in preparing the answer to the FAC.
4. Preparing a response to the SAC will also require a significant undertaking for counsel. The SAC names as defendants the United States, the Office of the President, three officials with the Executive Office of the President in their official capacities, and eight executive agencies and the heads of those agencies in their official capacities. To answer the SAC will require Defendants to solicit input from multiple agencies and to consolidate the input into a single answer.
5. The Court has scheduled a telephonic conference to discuss the next steps in this case to take place on January 19, 2024. The parties have agreed to meet and confer on January 17 to discuss the next steps in the litigation. Judicial efficiency and the efficiency of counsel will be best served if the parties direct their energies during the limited time they have between now and January 19 to preparing to discuss the next steps in this litigation so that they can present their respective positions to the Court.

For all of the foregoing reasons, Defendants respectfully request that the Court grant this motion for an extension of time until February 27, 2024 for Federal Defendants to file their answer to the SAC.

Dated: January 11, 2024

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