

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

DEMOCRATIC NATIONAL COMMITTEE,

Plaintiff,

v.

U.S. DEPARTMENT OF JUSTICE,

Defendant.

Civil Action No. 1:26-cv-2928 (CKK)

**DEMOCRATIC NATIONAL COMMITTEE'S OPPOSITION
TO DEFENDANT'S MOTION FOR EXTENSION OF TIME**

The Department of Justice (DOJ) cannot nullify the Freedom of Information Act (FOIA), 5 U.S.C. § 552, through persistent delay. Because DOJ failed to assign counsel for the first three weeks of a 30-day statutory window to answer the DNC's complaint, the Department cannot show the good cause required before an extension may be granted. Yet DOJ now requests an extension until one week before the November 3 federal election, DOJ Mot. (ECF No. 12), which would clearly prejudice the Democratic National Committee (DNC). DOJ's motion should be denied.

On February 6, 2026, following the seizure of archived ballots in Fulton County, Georgia, the DNC sent two FOIA requests to DOJ components concerning the threat of ballot seizure. Compl. ¶¶ 9–11, 34–37, 47–50 (ECF No. 1). To date, DOJ has failed to provide the requested records, notwithstanding FOIA's statutory deadlines. Compl. ¶¶ 44–46, 55–57; *see also* 5 U.S.C. § 552(a)(6)(A)(i)(I) (requiring response within 20 days); *id.* § 552(a)(6)(B)(i) (authorizing extension of no more than “ten working days”). Faced with this failure to comply with statutory deadlines, and in light of persistent threats to free and fair elections, the DNC filed suit to enforce FOIA's requirements. *See* Compl. ¶¶ 9–22, 58–59. The DNC served DOJ, through the Office of

the U.S. Attorney for the District of Columbia, on August 28, 2028. Proof of Service, ECF No. 9. FOIA declares that “[n]otwithstanding any other provision of law, the defendant shall serve an answer or otherwise plead to any complaint made under this subsection within thirty days after service upon the defendant of the pleading in which such complaint is made, unless the court otherwise directs for good cause shown.” 5 U.S.C. § 552(a)(4)(C). DOJ acknowledges that under the statutory deadline, the Department must respond to the DNC’s complaint by September 28. DOJ Mot. 1, ECF No. 12. But on Sunday September 20, less than three hours before the start of Yom Kippur, DOJ moved for a 30-day extension. *See id.*

DOJ makes little effort to establish a basis for its request, and for good reason. Under Rule 6(b)(1)(A), this Court may grant an extension of a deadline that has not yet expired for good cause shown. Here, DOJ requires an extension because it failed to assign an AUSA to this matter for the first 21 days of its 30-day response window, *see* Sept. 20 Email (Ex. 1), a decision entirely within the Department’s control. *See Prunte v. Univ. Music Grp.*, 248 F.R.D. 335, 338–39 (D.D.C. 2008) (finding lack of good cause where party failed to “employ a reasonable amount of diligence”). The fact that DOJ chose to assign an AUSA with a “robust docket,” DOJ Mot. 1, only aggravates the fault underlying the Department’s request. In turn, the risk of prejudice to the DNC is great, as the FOIA requests concern the very real threat of ballot seizure, Compl. ¶¶ 9–22, and the November election is only one week from the date on which DOJ now seeks to move or answer, *see* DOJ Mot. 1. *But see* DOJ Mot. 2 (asserting without support that “[n]o party will be materially prejudiced by the extension requested”).

For the reasons set out above, the DNC respectfully requests that this Court deny DOJ’s extension request and apply the statutory response deadline. Should this Court nonetheless grant

DOJ's request, the DNC respectfully requests that this Court extend the deadline by less than the 30 days requested and allow no further extensions.

Dated: September 20, 2026

Respectfully submitted,

Benjamin B. Klubes
(Bar No. 428852)
Adam Miller
(Bar No. 496339)
Klubes Law Group
1717 K Street NW, Suite 900
Washington, DC 20006
(202) 753-5054
blkubes@klubeslaw.com
amiller@klubeslaw.com

/s/ Daniel J. Freeman
Daniel J. Freeman
(Bar No. 90038422)
Democratic National Committee
430 South Capitol Street SE
Washington, DC 20003
(202) 863-8000
freemand@dnc.org

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