

UNITED STATES DISTRICT COURT
DISTRICT OF COLUMBIA

KNIGHT FIRST AMENDMENT
INSTITUTE AT COLUMBIA
UNIVERSITY,

Plaintiff,

v.

CENTRAL INTELLIGENCE AGENCY,
DEPARTMENT OF JUSTICE,
NATIONAL SECURITY AGENCY,
OFFICE OF THE DIRECTOR OF
NATIONAL INTELLIGENCE, and
DEPARTMENT OF STATE,

Defendants.

Civil Action No. 18-2709–TNM

**UNOPPOSED MOTION TO TEMPORARILY LIFT STAY TO AMEND
COMPLAINT AS OF RIGHT AND ALLOW MOTION FOR COUNSEL
TO APPEAR PRO HAC VICE**

Plaintiff Knight First Amendment Institute at Columbia University hereby moves to temporarily lift the stay to permit the filing of an amended complaint as a matter of course pursuant to Federal Rule of Civil Procedure 15(a)(1)(B), and of several *pro hac vice* applications. If granted, this motion would not otherwise affect the stay or burden the government.

The amended complaint that the Knight Institute seeks to file would add the Committee to Protect Journalists (“CPJ”) as a plaintiff in this action. As the Court is aware, this lawsuit seeks to enforce Freedom of Information Act (“FOIA”) requests that the Knight Institute sent to Defendants seeking records relating to the government’s “duty to warn” the journalist Jamal Khashoggi of threats to his life. On November 20, 2018, CPJ sent FOIA requests to Defendants that are substantially identical to the Knight Institute’s requests. Because Defendants have not responded to CPJ’s requests within the statutory time period, CPJ has exhausted its administrative remedies,

and its claims are ripe for judicial review. *See* 5 U.S.C. § 552(a)(6)(C), (a)(6)(E)(iii). The Knight Institute seeks to add CPJ as a plaintiff now to ensure timely judicial review of Defendants’ failures to process CPJ’s requests, and to prevent any prejudice to it or CPJ due to the shutdown.

Because the complaint is a “pleading . . . to which a responsive pleading is required,” Rule 15(a)(1)(B) permits the Knight Institute to amend the complaint “once as a matter of course,” up until twenty-one days after Defendants have responded. In light of the current stay of proceedings, however, and in an abundance of caution, the Knight Institute requests that the Court temporarily lift the stay to permit the filing of the amended complaint and of several *pro hac vice* applications. Granting this motion would not prejudice Defendants. As Plaintiff requests only that the Court lift the stay temporarily for a limited purpose, Defendants’ obligations would remain tolled until the Court vacates the stay. *See* 5 U.S.C. § 552(a)(4)(C).

Opposing counsel has authorized counsel for the Knight Institute to state that Defendants consent to this motion.

Respectfully submitted,

/s/ Jameel Jaffer

Jameel Jaffer (MI0067)
Ramya Krishnan (admitted *pro hac vice*)
Adi Kamdar (application for *pro hac vice*
admission to be filed soon)
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January 17, 2019