

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

NATIONAL SECURITY COUNSELORS, *

*

Plaintiff, *

*

v. *

Civil Action No. 1:11-cv-00445 (BAH)

CENTRAL INTELLIGENCE AGENCY, *

*

et al.,

*

Defendants. *

*

* * * * *

**PLAINTIFF’S MOTION FOR A STAY OF BRIEFING OF PORTIONS OF
DEFENDANTS’ PARTIAL MOTION TO DISMISS PLAINTIFF’S
FIRST AMENDED COMPLAINT**

Plaintiff hereby respectfully requests a stay of the briefing of the portions of Defendants’ Partial Motion to Dismiss Plaintiff’s First Amended Complaint (filed June 3, 2011) which allege that Plaintiff has failed to state a claim under Rule 12(b)(6) of the Federal Rules of Civil Procedure for Counts Four, Eleven, and Fourteen of Plaintiff’s First Amended Complaint (“FAC”) on the basis of the reasonableness of the alleged policies. Plaintiff requests that the Court stay the briefing on these issues until briefing has been completed on Defendants’ forthcoming Motion for Partial Summary Judgment¹ on Counts 1-3, 7, and 12-13 of the FAC.

Plaintiff has good cause to request this stay. Because Plaintiff has requested virtually identical relief in the related case *National Security Counselors v. CIA*, No. 11-444, Plaintiff is willing to simply incorporate by reference the arguments made in its Motion for Stay (filed June 9, 2011) and Reply (filed June 24, 2011) in that case, rather than restating them here in their entirety.

Were the Court to grant this Motion, the briefing on Defendants' Partial Motion to Dismiss Plaintiff's First Amended Complaint would be limited to the following:

1. All of Defendants' Rule 12(b)(1) arguments; and
2. All of Defendants' arguments regarding Counts 15-21 of the FAC.

After the parties conferred, Defendants' counsel asked that Plaintiff indicate herein that Defendants oppose this Motion for the same reasons stated in the CIA's Opposition to the Motion for Stay (file June 17, 2011) in Case No. 11-444. The parties request that the Court incorporate these previous arguments into this briefing as well. Defendants have not yet decided if they will provide further opposition arguments, but will inform the Court as soon as a determination has been made.

A proposed Order also accompanies this Motion.

Date: June 25, 2011

Respectfully submitted,

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¹ The parties have not yet established a briefing schedule for any Summary Judgment motions.