

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND**

WIKIMEDIA FOUNDATION, *et al.*,

*Plaintiffs,*

v.

NATIONAL SECURITY AGENCY / CENTRAL  
SECURITY SERVICE, *et al.*,

*Defendants.*

Hon. T. S. Ellis, III

Civil Action No.  
15-cv-00662-TSE

**PLAINTIFFS' MOTION TO SET A DATE  
FOR THE FILING OF AMICUS BRIEFS**

Plaintiffs respectfully request that the Court set a date for the filing of amicus briefs in connection with the upcoming motion to dismiss briefing.

Since the status conference held on May 13, 2015, several groups—including a group of technologists and a digital-rights organization—have expressed interest in filing amicus briefs in support of Plaintiffs' opposition to the government's motion to dismiss. Plaintiffs believe that amicus briefs could be helpful to the Court, and that the Court's setting a filing date would ensure that briefing is orderly. *Cf.* Fed. R. App. P. 29 (setting out procedure and schedule for filing of amicus briefs). Counsel for the government have informed Plaintiffs that the government would consent to a July 8, 2015 filing deadline for amicus submissions if the briefing schedule entered by the Court on May 14, 2015 (ECF No. 61) were amended to provide the government with an additional week to file its reply.<sup>1</sup>

Accordingly, Plaintiffs respectfully propose that, if the Court is willing to accept amicus briefs, the Court amend the briefing schedule to provide that (i) any amicus briefs in support of

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<sup>1</sup> Counsel for the government informed Plaintiffs that they reserve the right to object to the filing of any individual amicus brief.

Plaintiffs' opposition to the government's motion to dismiss be filed on or before July 8, 2015; and (ii) the government's reply in support of its motion to dismiss be filed on or before July 22, 2015 (rather than on or before July 15, 2015). Plaintiffs respectfully request that the Court permit prospective amici to file their briefs either upon motion for leave of the Court or with the consent of all parties. *Cf.* Fed. R. App. P. 29(a).

Dated: May 27, 2015

Respectfully submitted,

  /s/  
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*(signed by Patrick Toomey with permission of Debbie A. Jeon)*  
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**[PROPOSED] ORDER**

Upon consideration of Plaintiffs' Motion to Set a Date for the Filing of Amicus Briefs, it is hereby ORDERED that the briefing schedule adopted in the Court's scheduling order entered May 14, 2015 (ECF No. 61) is amended as follows:

1. Amicus briefs in support of plaintiffs' opposition to defendants' Rule 12 motion to dismiss must be filed by 5:00 p.m., Wednesday, July 8, 2015.
2. Defendants' reply to plaintiffs' opposition must be filed by 5:00 p.m., Wednesday, July 22, 2015.

IT IS FURTHER ORDERED THAT an amicus curiae may file a brief upon a motion for leave of the Court or if the brief states that all parties have consented to its filing.

SO ORDERED.

Dated: \_\_\_\_\_

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HONORABLE T.S. ELLIS, III  
United States District Judge