

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

CARTER PAGE,

*Plaintiff,*

v.

JAMES B. COMEY, *et al.*,

*Defendants.*

Case No. 20-CV-03460 (KBJ)

**DEFENDANT BRIAN J. AUTEN’S CONSENT MOTION  
FOR AN EXTENSION OF TIME TO RESPOND TO THE COMPLAINT**

Defendant Brian J. Auten, through undersigned counsel, respectfully requests an extension of time in which to respond to the Complaint. For the reasons set forth below, the extension of time is supported by good cause. To ensure that all of the individuals named as Defendants in this matter remain on the same schedule to the extent possible, Mr. Auten also requests that the extension of time apply to the other properly served individual Defendants. Undersigned counsel has conferred with Plaintiff’s counsel, counsel to all other parties who have appeared in this matter, and counsel to the other individual Defendants who have not yet appeared, and all parties consent to this request.

Mr. Auten is a current employee of the Federal Bureau of Investigation (“FBI”), and the subject matter of Plaintiff’s allegations relate to actions that Mr. Auten took in the scope of his employment. *See generally* Complaint, ECF No. 1. In accordance with the Department of Justice regulations set forth in 28 C.F.R. § 50.15, Mr. Auten formally requested that the Department of Justice (“DOJ”) represent him in this lawsuit.

On January 26, 2021, DOJ attorneys representing the United States, DOJ, and the FBI requested an extension of time to respond to the Complaint. *See* Official Capacity Defendants' Unopposed Motion for an Extension of Time to Respond to the Complaint, ECF No. 12. The motion also noted that one or more of the individuals named as Defendants had requested representation by DOJ, and proposed that the extension of time also extend to those individual Defendants "[i]n order to maintain known defendants on the same schedule to the extent possible, and in light of the need to make a decision about such representation." *Id.* at 2.

On February 15, 2021, the Court granted the motion and ordered DOJ and FBI to respond to the Complaint on or before March 26, 2021. *See* Minute Order (Feb. 15, 2021). Following a subsequent motion for clarification, *see* Unopposed Motion for Clarification Or, In the Alternative, for an Extension of Time, ECF No. 31, the Court granted the motion and ordered the "individual defendants who have been properly served and the United States" to respond to the Complaint on or before March 26, 2021. *See* Minute Order (Mar. 16, 2021).

On March 15, 2021, Mr. Auten was informed that it was unlikely that DOJ would be able to represent any of the individual Defendants in this matter, including Mr. Auten. On the same date, Mr. Auten requested that the undersigned attorneys of the law firm Steptoe & Johnson LLP act as counsel of record on his behalf in this matter.

As noted by DOJ in its motions for extension of time, the Complaint raises multiple complex legal and factual issues. Mr. Auten therefore requests that the Court permit a further extension of time until May 18, 2021 to respond to the Complaint, reserving all Rule 12 defenses, so that his new counsel is permitted adequate time to review the allegations and advise Mr. Auten regarding his response to the Complaint. These considerations apply equally to other individual Defendants who sought representation by DOJ, and granting an extension of time for all properly

served individual Defendants will facilitate the orderly and efficient consideration of this matter. As noted above, undersigned counsel has conferred with Plaintiff's counsel, counsel to all other parties who have appeared in this matter, and counsel to the other individual Defendants who have not yet appeared, and all parties consent to this request.

For all of the reasons set forth above, good cause supports this extension of time.

Respectfully submitted,

Dated: March 22, 2021

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