

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

DENNIS MONTGOMERY, et al

Plaintiffs,

v.

JAMES COMEY, et al

Defendants.

**Case No: 17-cv-1074**

**PLAINTIFFS' MOTION FOR EXTENSION OF TIME TO RESPOND TO  
DEFENDANTS' MOTION TO DISMISS**

Plaintiffs Dennis Montgomery and Larry Klayman (“Plaintiffs” unless individually named) hereby move this Court for a ten-day extension of time, until and including October 10, 2017, for Plaintiffs to respond to Defendant’s Motion to Dismiss. ECF No. 36. Plaintiffs regret making this motion, given the urgent nature of the proceedings and the fact that Plaintiffs have an upcoming Preliminary Injunction hearing after having foregone their right to seek a Temporary Restraining Order in the interest of expediting the proceedings, but counsel for Plaintiffs, Mr. Larry Klayman (“Mr. Klayman”) had been experiencing illness, dizziness, and disequilibrium that has made it very difficult for him to perform legal work. Exhibit A. This short extension of time is less than the extensions granted to Defendants to file their Motion to Dismiss. Counsel for Defendants has consented to Plaintiffs’ request.

Indeed, this extension of time is also necessary given the fact that Defendants’ pattern and practice of illegal surveillance is still ongoing, as evidenced by the revelation from just a few days ago that Defendants during the Obama administration had wiretapped President Trump’s

former campaign chairman, Paul Manafort, under “secret court orders before and after the election.”<sup>1</sup> As reported by CNN, “The government snooping continued into early this year, including a period when Manafort was known to talk to President Donald Trump.”<sup>2</sup> Indeed, Sean Hannity has even said during his nationally televised show, *Hannity*, that these recent reports “vindicated President Trump’s claims from earlier this year.”<sup>3</sup> Hannity emphasized and showed how Defendant Clapper, in particular, had repeatedly lied.

Of particular importance is the fact that three of the individual Defendants, James Comey, James Clapper, and John Brennan brazenly lied under oath before Congress, that President Trump had not been wiretapped,<sup>4</sup> as has been their pattern and practice. As such, any denial from Defendants that they are not engaging in the illegal and unconstitutional conduct alleged in the Complaint is simply not credible, and discovery is needed to ascertain the truth.

These new revelations further confirm how meritorious Plaintiffs’ claims are, and exactly why preliminary discovery is needed prior to the Preliminary Injunction hearing. Thus, Plaintiffs respectfully request a telephonic, if not in person, hearing on Plaintiffs’ motion for expedited discovery, ECF No. 15, as depositions of the individual defendants are necessary prior to the Preliminary Injunction hearing, given Defendants’ pattern and practice of blatantly lying to cover

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<sup>1</sup> Evan Perez, Shimon Prokupez, Pamela Brown, *Exclusive: US government wiretapped former Trump campaign chairman*, CNN, Sep. 19, 2017, available at: <http://www.cnn.com/2017/09/18/politics/paul-manafort-government-wiretapped-fisa-russians/index.html>.

<sup>2</sup> *Id.*

<sup>3</sup> *Hannity: 'President Trump Has Been Vindicated' By Report of Spying on Manafort*, Fox News, Sep. 19, 2017, available at: <http://insider.foxnews.com/2017/09/19/hannity-says-donald-trump-vindicated-paul-manafort-wiretapping-report>.

<sup>4</sup> *Trump wiretapping claim: Did Obama bug his successor?* BBC News, Mar. 20, 2017, available at: <http://www.bbc.com/news/world-us-canada-39172635>;

up their illegal and unconstitutional surveillance.<sup>5</sup>

Dated: September 22, 2017

Respectfully submitted,

/s/ Larry Klayman  
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Attorney for Plaintiffs

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing was filed electronically and served through the court's ECF system to all counsel of record or parties on September 22, 2017

/s/ Larry Klayman  
Larry Klayman, Esq.

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<sup>5</sup> In addition to *supra* note 3, *see* Comp ¶ 14 (“Defendant Clapper has gone so far as to brazenly lie and perjure himself in front of Congress regarding the NSA’s and the other Defendants’ pattern and practice of running rampant through the constitutional rights of Americans and illegally conducting massive spying operations. Such a blatant and brazen lie under oath is indicative of Defendants’ pattern and practice of dishonest behavior, which has led for critics, such as Sen. Rand Paul to call for Defendant Clapper’s resignation over the incident, which “amounts to perjury.”) (internal citations omitted). Defendant Brennan too shares Defendant Clapper’s indifference to the truth, even under oath. *See* James Downie, *Obama Should Fire John Brennan*, Washington Post, Jul. 31, 2014, available at: [https://www.washingtonpost.com/blogs/post-partisan/wp/2014/07/31/obama-should-fire-john-brennan/?utm\\_term=.e311a1603554](https://www.washingtonpost.com/blogs/post-partisan/wp/2014/07/31/obama-should-fire-john-brennan/?utm_term=.e311a1603554).