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10 **UNITED STATES DISTRICT COURT**
11 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**
12 **WESTERN DIVISION**

13 H. RAY LAHR,) Case No. 03-08023 AHM (RZx)
14)
15 Plaintiff,) **PLAINTIFF'S EX-PARTE**
16) **APPLICATION FOR LEAVE TO**
17 v.) **LATE FILE DECLARATION OF**
18) **JOHN H. CLARKE IN OPPOSITION**
19 NATIONAL TRANSPORTATION) **TO CIA MOTION FOR SUMMARY**
20 SAFETY BOARD, *et al.*) **JUDGMENT**
21)
22 Defendants.)
23)
24)
25)
26)
27)
28)

Date: July 10, 2006
Time: 10:00. a.m.
Place: Courtroom 14, 312 N. Spring
Street, Los Angeles, CA 90012
Judge: Honorable A. Howard Matz

1 Under L.R.7-19, plaintiff respectfully seeks leave to file the captioned
2 affidavit, submitted herewith under separate cover, for the reasons below.

3 The government does not oppose this relief sought.

4 On Monday June 19 plaintiff served the government with this Application
5 and the exhibits attached to plaintiff's affidavit.

6 All records at issue appear under Exhibit A, which is 22 pages. The balance
7 of the Exhibits are the same challenges, arranged by category.

8 Memorandum of Points and Authorities

9 The government's memorandum in reply is due on June 26, a week after its
10 receipt of the plaintiff's exhibits to counsel's declaration, and does not oppose the
11 relief herein sought, as it would suffer no unfair prejudice.

12 Attached to the undersigned's declaration are revised lists of plaintiff's
13 various challenges in chart form – shorter than the exhibits that plaintiff submitted
14 with his opposition to the CIA's motion for summary judgment.

15 The organization and distillation of the government-produced records has
16 been an onerous task, and, notwithstanding plaintiff's significant efforts, counsel
17 could not fully achieve a narrowing of the issues until June 19.

18 The granting of the requested relief would promote a speedy and just
19 resolution of this case.

20 Date: June 22, 2006.

21
22 Respectfully submitted,
23 H. Ray Lahr
24 By Counsel

25
26 _____
27 John H. Clarke
28

1 **PROOF OF SERVICE – BY HAND**

2 DISTRICT OF COLUMBIA:

3
4 I am a resident of the District of Columbia, over the age of 18 years. My business
5 address is 1717 K Street, NW, Suite 600, Washington, DC 20036. I am counsel
6 for plaintiff.

7 On June 19, 2006, I served by hand a true copy of **PLAINTIFF'S EX-PARTE**
8 **APPLICATION FOR LEAVE TO FILE DECLARATION OF JOHN H.**
9 **CLARKE IN OPPOSITION TO CIA MOTION FOR SUMMARY**
10 **JUDGMENT** with all exhibits thereto on the interested parties in this action, to:

11 David M. Glass, Esquire
12 Assistant United States Attorney
13 20 Massachusetts Avenue, NW
14 Room 7140
15 Washington, DC 20530

16 I declare under penalty of perjury that the foregoing is correct and that this
17 Proof of Service was executed on June 19, 2006.

18 _____
19 John H. Clarke