IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

DAVID CHARLES GRUSCH, Plaintiff, v. UNITED STATES DEPARTMENT OF DEFENSE, Defendant.	No. 1:26-cv-607 (LMB/WEF)

DEFENDANT'S CONSENT MOTION TO EXTEND THE REMAINING SUMMARY JUDGMENT BRIEFING DEADLINES

Defendant, through its undersigned counsel, respectfully moves the Court—with Plaintiff's consent—for a limited four-day extension of the two remaining deadlines in the summary judgment briefing schedule that the Court set in this case. Good cause exists as follows:

1. This is a Freedom of Information Act ("FOIA") action involving a request for records from the Department of Defense ("DoD"). *See generally* Dkt. 1.

2. To facilitate resolution of the parties' remaining disputes in this case, the Court set a summary judgment briefing schedule. Dkt. 28. Consistent with that schedule, Defendant moved for summary judgment on September 21, 2026 (Dkt. 31), and Plaintiff filed a combined opposition memorandum and cross-motion for summary judgment on October 12, 2026 (Dkt. 33).

3. Pursuant to the Court's schedule, Defendant must file its combined opposition and reply memorandum on or before October 26, 2026, and Plaintiff must file any reply on or before November 9, 2026. *See* Dkt. 28. For the reasons discussed below, Defendant seeks a four-day extension for each of these deadlines.

4. Despite undersigned counsel's best efforts, he is unable to meet this deadline due to other competing litigation deadlines in other cases. For example, in the past two weeks, Counsel has had to file a formal appellate brief in *Pauper v. CIA*, No. 26-1509 (4th Cir.) on October 14, 2026; a case-dispositive motion in *Samsel v. United States*, 3:26-cv-530 (E.D. Va.) on October 19, 2026; will file a reply brief in support of a motion to stay discovery in *E.K. v. Department of Defense Education Activity*, 1:25-cv-637 (E.D. Va.) on October 21, 2026; will prepare for a hearing in *E.K. v. Department of Defense Education Activity*, 1:25-cv-637 (E.D. Va.) on October 22, 2026; and will file a reply brief in support of summary judgment in *Mittereder v. Mullin*, 1:25-cv-1991 (E.D. Va.) on October 23, 2026. Separately, undersigned counsel took ill with a cold on October 19, 2026, and the requested extension will help him dedicate some time to his recovery.

5. Because undersigned counsel seeks a four-day extension of Defendant's upcoming October 26, 2026 deadline, he likewise seeks an extension of Plaintiff's reply brief, which is currently due on November 9, 2026.

6. Should the Court grant Defendant's requested extension, as well as the companion extension to Plaintiff's reply brief, the briefing schedule for the remaining deadlines in this case would be as follows:

A. Defendant shall file its reply brief and any combined opposition to Plaintiff's cross-motion for summary judgment on or before October 30, 2026;

B. Plaintiff shall file any reply brief in support of his motion for summary judgment on or before November 13, 2026.

7. Plaintiff, through counsel, has indicated that Plaintiff consents to this motion.

8. A proposed order is attached for the convenience of the Court.

9. Defendant respectfully waives hearing on this motion.

Dated: October 20, 2026

Respectfully submitted,

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