

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

CITIZENS FOR RESPONSIBILITY)	
AND ETHICS IN WASHINGTON,)	
)	
Plaintiff,)	
v.)	Civil Action No. 07-0964 (CKK)
)	
OFFICE OF ADMINISTRATION,)	
)	
Defendant.)	
_____)	

**MOTION OF JUDICIAL WATCH, INC. FOR LEAVE
TO FILE AMICUS CURIAE BRIEF**

Judicial Watch, Inc. (“Judicial Watch”), by counsel, respectfully moves this Court for leave to file the accompanying *amicus curiae* brief in support of Plaintiff, Citizens For Responsibility and Ethics in Washington (“CREW”). The purpose of Judicial Watch’s *amicus curiae* brief is to assist the Court in this case of substantial importance to government watchdog organizations. CREW has consented to Judicial Watch’s motion. Defendant Office of Administration (“OA”) opposes this motion unless it is given an adequate opportunity to respond. As grounds for its motion, Judicial Watch states as follows:

MEMORANDUM OF LAW

Judicial Watch is a not-for-profit organization that seeks to promote transparency, integrity, and accountability in government and fidelity to the rule of law. In furtherance of this public interest mission, Judicial Watch regularly seeks access to government records under the provisions of the Freedom of Information Act, 5 U.S.C. § 552 (“FOIA”), pursues public interest litigation, and files *amicus curiae* briefs, among other activities. Judicial Watch seeks to participate as *amicus curiae* in this matter because the Executive Branch is attempting to have

the Office of Administration, an office within the Executive Office of the President that, to Judicial Watch's knowledge, has always been subject to FOIA, be declared off limits.

Judicial Watch's proposed *amicus curiae* brief, while supporting the Plaintiff, is primarily for the purpose of assisting the Court. In addition to bringing a unique perspective to the case, several factors support permitting Judicial Watch's request for leave to file an *amicus curiae* brief. First, Judicial Watch has a familiarity with and knowledge of the issues contained in the proposed brief. Judicial Watch is a frequent FOIA litigator and has used FOIA to request access to records in the possession, custody and control of OA in the past. Second, Judicial Watch's proposed brief does not seek to simply reiterate arguments raised by another party. Rather, its analysis focuses more broadly on concerns of accountability in government and fidelity to the rule of law. Judicial Watch's proposed brief also does not create, extend, enlarge or initiate any new issues. Third, Judicial Watch's proposed brief is both timely and useful. Judicial Watch's proposed brief does not in any way alter the Court's briefing schedule. And while OA is not required to respond to Judicial Watch's proposed brief, it will have the opportunity to do so under the Court's briefing schedule. Consequently, permitting Judicial Watch to participate as an *amicus curiae* in this matter will not prejudice or cause an undue burden to any of the parties.

WHEREFORE, Judicial Watch respectfully requests leave to file the accompanying *amicus curiae* brief.

Dated: September 4, 2007

Respectfully submitted,

/s/ Paul J. Orfanedes

D.C. Bar No. 429716

/s/ Jason B. Aldrich

D.C. Bar No. 495488

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LOCAL RULE 7(m) CERTIFICATE

On August 24, 2007, I contacted Anne Weisman, counsel for Plaintiff Citizens For Responsibility and Ethics in Washington (“CREW”), by e-mail, to inquire whether she would consent to Judicial Watch seeking leave to file an *amicus curiae* brief in this matter. Ms. Weisman consented.

On August 30, 2007, I contacted Jean Lin, counsel for Defendant Office of Administration (“OA”), by email, to inquire whether she would consent to Judicial Watch seeking leave to file an *amicus curiae* brief. On August 31, 2007, Ms. Lin notified me by e-mail that OA opposed the motion unless it is given an adequate opportunity to respond.

/s/ Meredith L. Di Liberto