

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

MICHAEL NEWDOW, *et al.*,

Plaintiffs,

v.

HON. JOHN ROBERTS, JR., *et al.*,

Defendants.

Civil Action No. 1:08-cv-02248-RBW

**PLAINTIFFS' EXPLANATION REGARDING LATE SUBMISSION OF MOTION FOR
LEAVE TO SUBMIT SUPPLEMENTAL DECLARATIONS**

MICHAEL NEWDOW
In pro per and pro hac vice
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Yesterday, January 10, 2009, Plaintiffs requested leave to file supplemental declarations to their Motion for a Preliminary Injunction. Document 17. That document was filed at 17:05 (5:05 pm), which was five minutes after the deadline set by the Court in its Order of January 9, 2009 (Document 9). Plaintiffs respectfully request an opportunity to explain to the Court why that was.

After being granted *pro hac vice* status by the Court on January 5, 2009 (Document 6), the undersigned (Michael Newdow) filled out an ECF Registration form and also contacted the CM/ECF office. Declaration of Michael Newdow (hereafter “MN Decl”), ¶¶ 1-2. He was given a “login and password” in an email that began, “You are now registered to file pleadings in the United States District Court for the District of Columbia's Electronic Case Filing System.” MN Decl ¶ 3.

Yesterday, when Newdow attempted to file materials close to the 5:00 pm deadline, he received a message stating, “There are no cases in which you are allowed to file.” MN Decl ¶¶ 4-5. Thus, he contacted Plaintiffs’ local counsel at the last moment, who filed the materials. MN Decl ¶ 6. This was the reason for the late filing. MN Decl ¶ 7.

Respectfully submitted this 11th day of January, 2009,

/s/ - Michael Newdow

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DECLARATION OF MICHAEL NEWDOW

I, Michael Newdow, declare as follows:

- (1) On January 5, 2009, I was granted pro hac vice status in the instant litigation,
Document 6.
- (2) Two days later, I filled out the on-line ECF Registration form. I also contacted the
CM/ECF office.
- (3) The following day, I received my “login and password” in an email that began, “You
are now registered to file pleadings in the United States District Court for the District
of Columbia's Electronic Case Filing System.” Exhibit 1 accompanying this
Declaration.
- (4) Yesterday (January 10, 2009), at approximately 16:50 (4:50 pm) EST, I attempted to
use ECF to file the materials that comprise Documents 16 and 17.

(5) When I did so, I received a message stating, "There are no cases in which you are allowed to file."

(6) I thus hurriedly contacted Plaintiffs' local counsel, Robert V. Ritter, and asked him to file the documents.

(7) This was the reason Document 17 was filed at 17:05 (5:05 pm) EST.

Executed on January 11, 2009,

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke, positioned above a solid horizontal line.

Michael Newdow



Mike Newdow <newdowlaw@gmail.com>

US District Court ECF Registration Information

1 message

ECF_Registration@dcd.uscourts.gov <ECF_Registration@dcd.uscourts.gov>

Fri, Jan 9, 2009 at 10:19 AM

To: newdowlaw@gmail.com

You are now registered to file pleadings in the United States District Court for the District of Columbia's Electronic Case Filing System. To enter the "Live ECF" system, use the following login ID and password.

Your Login Name is:



Your Password is:

Please keep track of this login and password as we do not have the resources to provide for lost or forgotten passwords.

The login name and password are case sensitive. If you wish to enter ECF to view case documents, use your PACER login and password. The ECF User's manual can be viewed or downloaded from the Court's Internet website at: www.dcd.uscourts.gov.

If you have not attended ECF training, please go the website and click on the subject heading Electronic Case Filing, found on the site, to schedule your training. Now that you have received your login and password, you are able to file your pleadings electronically. To do this, go to the court's website (www.dcd.uscourts.gov) and, using your ECF login and password submit your pleading. Should you encounter difficulties in the submission, you can submit your document in PDF to dcd_cmecf@dcd.uscourts.gov.

Should you need to have this login and password furnished again, there may be a fee involved and/or the requirement that counsel, who lost the password, appear at the Clerk's Office with ID.

Please reply to this email to acknowledge your receipt of your ECF registration login and password.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

Civil Action No. 1:08-cv-02248-RBW

Newdow v. Roberts

CERTIFICATE OF SERVICE

I hereby certify that on January 12, 2009, I served copies of:

**(1) PLAINTIFFS' EXPLANATION REGARDING LATE SUBMISSION OF
MOTION FOR LEAVE TO SUBMIT SUPPLEMENTAL DECLARATIONS**

upon the following individuals and entities by placing them in the United States mail.

Rev. Richard D. Warren
(Home address under seal)

Rev. Joseph E. Lowery
(Home address under seal)

Additionally, this document was electronically filed with the Clerk of the United States
District Court for the District of Columbia by using the CM/ECF system.

I am at least 18 years of age and not a party to the cause.

Signature:	/s/ Robert V. Ritter	January 12, 2009
Printed Name:	Robert V. Ritter	
Street Address:	1777 T Street, N.W.	
City, State & Zip:	Washington, D.C. 20009	
Phone:	202-238-9088	