

February 17, 2022

VIA CM/ECF

Honorable Ramon E. Reyes
United States Magistrate Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *CLEAR, et al. v. U.S. Customs and Border Protection*,
No. 19-cv-7079 (EK/RER)



Dear Judge Reyes,

We represent Plaintiffs in the above-referenced Freedom of Information Act (“FOIA”) lawsuit and submit this letter in response to Defendant’s letter to the Court dated January 17, 2023 (ECF No. 57). On January 17, 2023, Defendant also produced to Plaintiffs 720 pages of records it reprocessed pursuant to the Court’s Memorandum & Order dated November 2, 2022 (ECF No. 52).

Plaintiffs have been reviewing Defendant’s January 17, 2023 production and the two declarations attached to Defendant’s letter of the same date in order to identify questions or issues related to processing that the parties may be able to resolve themselves, rather than through further litigation. On February 8, 2023, Plaintiffs requested from Defendant additional information regarding its production. On February 16, 2023, Defendant provided a preliminary response to Plaintiffs’ request for additional information and indicated that it was still examining certain issues. Plaintiffs are currently reviewing Defendant’s responses and, when those responses are complete, plan to confer further with Defendant about whether any issues warrant further litigation.

In light of the parties’ ongoing discussions about Defendant’s production, the pendency of Plaintiffs’ claims in this lawsuit, and the absence of any motion for summary judgment at present, Plaintiffs believe there is no justification for the Court to dismiss this action as requested by Defendant in its letter. Plaintiffs anticipate providing a further update to the Court on the status of the parties’ discussions and any remaining issues at the conference scheduled for March 7, 2023.

We thank the Court for its consideration of this matter.

Respectfully submitted,

/s/ Scarlet Kim

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