

UNITED STATES COURT OF APPEALS  
THURGOOD MARSHALL UNITED STATES COURTHOUSE  
40 FOLEY SQUARE  
NEW YORK, NY 10007

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CLERK OF COURT

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Re: *The New York Times Company v. United States*, 13-422(Lead), 13-445(Con)

Dear Counsel:

The panel in the captioned case directs that the Government make available to each member of the panel, for prompt in camera inspection under appropriate security precautions, (1) the so-called OLC-DOD Memo, and (2) the so-called Unclassified Memos, referred to by the District Court and by the parties in their briefs in this Court.

In addition, the panel directs that the Government have available in New York City, for possible in camera inspection upon request in due course, (3) Any Other Responsive OLC Memoranda; (4) the 60 email chains listed on OLC's Vaughn index (including those withheld by the several agencies pursuant to and invocation of the deliberative process privilege, discussed by the District Court at pp.52 to 55 of its January 3, 2013 opinion; and (5) The information that is "at issue in the No-Number, No List context" and apparently withheld under Exemptions 1 and 3, "traditionally appear[ing] in a Vaughn index"(Judge McMahon Opinion of Jan. 3, 2013 at 67).

Very truly yours,



Catherine O'Hagan Wolfe  
Clerk of Court