

UNITED STATES COURT OF APPEALS

FOR THE SECOND CIRCUIT

At a stated Term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 26th day of June, two thousand fourteen.

PRESENT:

JON O. NEWMAN
JOSÉ A. CABRANES
ROSEMARY S. POOLER
Circuit Judges.

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THE NEW YORK TIMES COMPANY, CHARLIE SAVAGE,
SCOTT SHANE, AMERICAN CIVIL LIBERTIES UNION,
AMERICAN CIVIL LIBERTIES UNION FOUNDATION,
Plaintiffs-Appellants,

v. Docket Nos. 13-422(L), 13-445(Con)

UNITED STATES DEPARTMENT OF JUSTICE, UNITED
STATES DEPARTMENT OF DEFENSE, CENTRAL
INTELLIGENCE AGENCY,
Defendants-Appellees.

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ORDER

In view of the bifurcation of issues, as explained in the Court's June 23, 2014, opinion on the Government's petition for rehearing, we now ORDER that a partial judgment be entered with respect to paragraph (3) of the "Conclusion" section of the Court's June 23, 2014, revised opinion, and that with respect to this partial judgment, a partial mandate issue forthwith inasmuch as the Government has not sought further review of the requirement in paragraph (3) either in its petition for rehearing filed June 5, 2014, or in its supplementary papers to petition for rehearing filed June 20, 2014. The requirement in paragraph (1) of the "Conclusion"

section requires no action by the District Court because a redacted version of the OLC-DOD Memorandum was disclosed in Appendix A of this Court's June 23, 2014, revised opinion. To the extent that the "Conclusion" section sets out any tasks for the District Court, those tasks concern *Vaughn* index issues that have been bifurcated for later adjudication by the Court of Appeals on further consideration of the Government's petition for rehearing.

FOR THE COURT:
Catherine O'Hagan Wolfe, Clerk


Catherine O'Hagan Wolfe