

June 17, 2019

**VIA CM/ECF**

Hon. Lorna G. Schofield  
United States District Court  
Southern District of New York  
40 Foley Square  
New York, NY 10007



Re: *American Civil Liberties Union, et al. v. Office of the Director of National Intelligence, et al.*, No. 18-cv-12131 (LGS)

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Dear Judge Schofield:

The parties to the above-captioned Freedom of Information Act (“FOIA”) lawsuit submit this joint letter pursuant to the Court’s order dated April 16, 2019 (ECF No. 35) (the “Order”), to provide the Court with a status report.

Susan N. Herman  
*President*

Anthony D. Romero  
*Executive Director*

Richard Zacks  
*Treasurer*

Defendants’ production of documents has generally proceeded according to the schedule outlined in the Order. On April 19, the Central Intelligence Agency (“CIA”) provided Plaintiffs’ with its final response; on May 7, the Office of the Director of National Intelligence (“ODNI”) made a partial production; on June 3, the U.S. Department of Justice’s National Security Division (“NSD”) and the Federal Bureau of Investigation (“FBI”) made their initial productions; and the National Security Agency (“NSA”) sent a response and production today. The agencies have withheld a number of documents in full, as well as portions of the produced documents, pursuant to various FOIA exemptions and statutory authorities, *see, e.g.*, 5 U.S.C. §§ 552(b)(1), (b)(3), (b)(6), (b)(7)(C), (b)(7)(E), and 50 U.S.C. § 3024(i)(1). Plaintiffs reserve their right to challenge these claimed exemptions. Additional productions are anticipated in the coming months, as provided in the court-ordered processing schedule. *See* ECF No. 35.

Plaintiffs have raised several questions regarding the agencies’ productions to date, which the parties are endeavoring to resolve. For example, ODNI’s May 6, 2019, response indicated that it had not completed its processing of one document and had referred a number of

other documents to other government agencies. Plaintiffs have requested further information about when these documents will be processed and, where appropriate, produced. ODNI has indicated that a supplemental response will be forthcoming soon. The agencies have also provided some supplemental information in response to Plaintiffs' other inquiries, and the parties are continuing to confer regarding the outstanding matters. We will inform the Court if any of the parties' discussions result in a dispute that requires the Court's intervention.

We thank the Court for its consideration of this matter.

Respectfully submitted,

*/s/ Noor Zafar*

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