



U.S. Department of Justice

United States Attorney
Southern District of New York

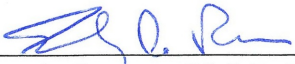
86 Chambers Street
New York, New York 10007

MEMO ENDORSED

December 4, 2020

By ECF

The Honorable Edgardo Ramos
United States District Judge
40 Foley Square
New York, NY 10007

The proposed schedules are APPROVED.
SO ORDERED.


Edgardo Ramos, U.S.D.J
Dated: 12/7/2020
New York, New York

Re: *ACLU v. DOD*, 17 Civ. 9972 (ER)
New York Times Co. v. DOD, 20 Civ. 43 (ER)

Dear Judge Ramos:

On behalf of the parties in the above-captioned actions brought under the Freedom of Information Act (“FOIA”), and in accordance with the Court’s Orders dated September 29, 2020, and October 20, 2020, we write respectfully to propose a schedule for defendants’ compliance with the Court’s September 29, 2020 Order and resolution of these actions.

In accordance with the Court’s Order dated September 29, 2020, defendants (collectively, the “government”) acknowledge the existence of one record responsive to the parties’ FOIA requests.

The parties respectfully propose the following schedule for resolution of these actions:

Within thirty days, or by January 4, 2021, the government will process the responsive record to determine whether it contains any non-exempt information that can be reasonably segregated and released. The government notes that processing of the record will require a review by the National Security Council staff and consultation with relevant agencies and components. This review and consultation process is complicated by the fact that the record is classified and maintained only on classified record systems that cannot be accessed remotely. Many agencies are operating under staffing restrictions because of the ongoing COVID-19 public health emergency.

After the government provides plaintiffs, on or before January 4, 2021, with its determination regarding the record, the parties will meet and confer. In the event plaintiffs seek to challenge the government’s determination, in whole or in part, the parties respectfully propose the following schedule for cross-motions for summary judgment:

Government’s consolidated motion due: January 19, 2021

Plaintiffs’ oppositions and cross-motions due: February 16, 2021

Government's consolidated opposition and reply due: March 16, 2021

Plaintiffs' replies due: April 6, 2021

The parties thank the Court for its consideration of this letter.

Respectfully submitted,

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