



The New York Times
Company

MEMO ENDORSED

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May 26, 2021

VIA ECF

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

Re: *ACLU v. U.S. Department of Defense*, No. 17-cv-09972
The New York Times Co. v. U.S. Department of Defense, No. 20-
cv-00043

Dear Judge Ramos:

I am counsel for Plaintiff The New York Times Company in Case No. 20-cv-00043, brought pursuant to the Freedom of Information Act (“FOIA”). I write on behalf of the parties in both of the above-referenced actions to respectfully provide a status update pursuant to the Court’s order dated April 22, 2021.¹ No. 17-cv-09972, Dkt. 52; No. 20-cv-00043, Dkt. 36.

In light of Defendants’ release of a redacted version of the document sought by Plaintiffs’ FOIA requests, the parties have agreed that further litigation on the substantive matters in this case is not necessary. However, the issue of attorneys’ fees under FOIA, 5 U.S.C. § 552(a)(4)(E), remains outstanding. Pursuant to Fed. R. Civ. P. 54(d)(2)(B)(i), a motion for attorneys’ fees and costs is due within 14 days of entry of judgment.

The parties continue to negotiate settlement of the attorneys’ fees issue. Accordingly, the parties respectfully request that the Court adjourn *sine*

¹ Plaintiffs in case No. 17-cv-09972 are the American Civil Liberties Union and American Civil Liberties Union Foundation; Defendants are the U.S. Department of Defense, U.S. Department of Justice, and U.S. Department of State. Plaintiff in case No. 20-cv-00043 is The New York Times Company; Defendant is the U.S. Department of Defense.

The request is granted. Parties are directed to submit a further status report by July 30, 2021.

SO ORDERED.


Edgardo Ramos, U.S.D.J.

Dated: 05/27/2021

New York, New York

die motion practice on attorneys' fees. The parties propose to submit a status report by July 30, 2021, advising the Court of the progress of negotiations. If the parties are able to resolve the issue without motion practice prior to that date, they will submit an order of dismissal on consent to the Court for its approval.

We thank the Court for its consideration of this request.

Respectfully submitted,

David McCraw

David McCraw

cc: All counsel of record (via ECF)