



U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

October 9, 2020

BY ECF

Hon. Lorna G. Schofield
United States District Judge
United States Courthouse
40 Foley Square
New York, New York 10007

Re: *American Civil Liberties Union et al. v. Office of the Director of National Intelligence, et al.*, 18 Civ. 12131 (LGS)

Dear Judge Schofield:

I write respectfully to request an extension of the deadline for the Department of Justice's National Security Division ("NSD") to produce the remaining documents that are responsive to plaintiffs' Freedom of Information Act ("FOIA") requests in this case. The remaining documents consist of: (1) semiannual reports to Congress entitled "Semiannual Report of the Attorney General on Electronic Surveillance and Physical Search Under the Foreign Intelligence Surveillance Act," which are responsive to Category 2 of the FOIA request and for which the parties have agreed that NSD will process one complete report as well as the relevant sections from five other reports from June 2015 through June 2018; and (2) two filings with the Foreign Intelligence Surveillance Court, which are responsive to Category 8 of the FOIA request and for which NSD has been coordinating with the National Security Agency. While NSD was supposed to complete its production of these documents by October 15, *see* Dkt. No. 48, due to processing difficulties relating to COVID restrictions on staff access to classified facilities where these documents are being processed as well as COVID-related delays in interagency coordination, NSD respectfully proposes the following schedule for its remaining productions:

- NSD will produce at least three partial semiannual reports by **October 15, 2020**
- NSD will produce the remaining partial semiannual reports by **November 2, 2020**
- NSD will produce the remaining Category 8 documents by **November 16, 2020**
- NSD will produce the complete semiannual report by **December 15, 2020**

Plaintiffs consent to this request. The Court previously directed the parties to file a status report by November 9, 2020, after the agencies had made their final production, regarding the need for further litigation in this matter. In light of this anticipated extension, the parties respectfully propose that they provide this status report by **January 29, 2021**.

I thank the Court for its consideration of this matter.

Respectfully,

AUDREY STRAUSS
Acting United States Attorney

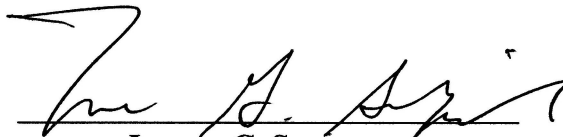
By: s/Jean-David Barnea
JEAN-DAVID BARNEA
Assistant United States Attorney
Telephone: (212) 637-2679
Email: Jean-David.Barnea@usdoj.gov

cc: Counsel for plaintiffs (by ECF)

The application is GRANTED. The parties shall proceed according to the document production schedule as proposed, and shall submit a status report to the Court regarding the need for further litigation by **January 29, 2021**.

SO ORDERED

Dated: October 13, 2020
New York, New York


LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE