

U.S. Department of Justice



United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

MEMO ENDORSED

June 17, 2016

6/20/2016
(i) is happening
this week
C

Hon. Colleen McMahon
United States District Judge
Daniel P. Moynihan United States Courthouse
500 Pearl Street, Room 1640
New York, NY 10007

Colleen McMahon

Re: *ACLU v. Department of Justice*, 15 Civ. 1954 (CM)

Dear Judge McMahon:

We write respectfully on behalf of all parties to this action. The parties have conferred with respect to parts (3) and (4) of the ACLU's FOIA request at issue in this case. The Court earlier stayed proceedings on those portions of the request due to their overlapping nature with requests being litigated in the D.C. Circuit. *See* Order at 2 (July 9, 2015). After the D.C. Circuit issued its decision, *see ACLU v. DOJ, et al.*, No. 15-5217 (D.C. Cir. Apr. 21, 2016) (per curiam), the government represented that it would confer with the ACLU as to appropriate next steps.

The ACLU has requested, and the government has agreed, that the ACLU be permitted to defer deciding on whether to proceed with parts (3) and (4) of the request until (i) the Court has issued its ruling on parts (1) and (2), and (ii) the government has released the casualty numbers that it is planning to release. *See* Remarks by Lisa O. Monaco, Assistant to the President for Homeland Security and Counterterrorism, at the Council on Foreign Relations, March 7, 2016 (<https://www.whitehouse.gov/the-press-office/2016/03/07/remarks-lisa-o-monaco-council-foreign-relations-kenneth-moskow-memorial>) ("[I]n the coming weeks, the Administration will publicly release an assessment of combatant and non-combatant casualties resulting from strikes taken outside areas of active hostilities since 2009"). The parties propose that they report back to the Court within two weeks after the later of (i) and (ii) above.

Respectfully,

BENJAMIN C. MIZER
Principal Deputy Assistant
Attorney General

PREET BHARARA
United States Attorney for the
Southern District of New York

By: /s/ Elizabeth J. Shapiro
ELIZABETH J. SHAPIRO
AMY POWELL
STEPHEN ELLIOTT
Attorneys, Federal Programs Branch
Civil Division, U.S. Dept. of Justice

By: /s/ Sarah S. Normand
SARAH S. NORMAND
Assistant United States Attorney
Telephone: (212) 637-2709
sarah.normand@usdoj.gov

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Telephone: (202) 514-5302
elizabeth.shapiro@usdoj.gov

/s/ Jameel Jaffer

Jameel Jaffer
Hina Shamsi
Brett Max Kaufman
Matthew Spurlock
American Civil Liberties Union Foundation
125 Broad Street-18th Floor
New York, New York 10004
T: 212.549.2500
F: 212.549.2654
jjaffer@aclu.org

