



U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

January 18, 2022

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 on behalf of both parties in the above-captioned FOIA lawsuit to respectfully propose a modification of the schedule to process certain records.

As noted in our January 13 letter, the parties have agreed to narrow the set of records that the government must process under Item 6 (previously identified in the list attached as Exhibit A to the parties' June 24, 2021 letter, ECF No. 66). The parties have now agreed on a schedule for processing these records. The parties have also agreed that the government will reprocess certain records from Items 5, 8, and 9.

We respectfully propose the following schedule:

- By **January 31, 2022**, the government will reprocess certain records from Items 5, 8, and 9 and produce the non-exempt portions to Plaintiffs.
- By **February 14, 2022**, for all records withheld in full through that date, the government will also provide Plaintiffs with a list stating the date, title, and number of pages for each fully withheld record unless that information itself is exempt under the FOIA, consistent with the parties' agreement dated August 5, 2021 (ECF No. 71).
- By **May 2, 2022**, the government will process at least 300 pages of the Item 6 records, and will produce any of those pages that are responsive and are not withheld in full. If feasible, the government will prioritize records Plaintiffs have identified.
- By **June 30, 2022**, the government will process a total of at least 600 pages of Item 6 records—*inclusive* of the pages it processes for the first interim deadline on May 2, 2022—and will produce any of those pages that are responsive and are

not withheld in full. If feasible, the government will prioritize records Plaintiffs have identified.

- By **July 29, 2022**, the government will fully process all of the remaining Item 6 records, and will produce any of those pages that are responsive and are not withheld in full.

For each of the above Item 6 processing deadlines, with respect to documents withheld in full, the government will provide the date, title, and number of pages for each fully withheld record unless that information itself is exempt under the FOIA, consistent with the parties' agreement dated August 5, 2021 (ECF No. 71).

I thank the Court for its consideration of this matter.

Respectfully,

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United States Attorney

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