



U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

February 7, 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 provide a status report, as required by the Court's January 19, 2022 order, ECF No. 85.¹

On January 31, 2022, the government provided Plaintiffs approximately 80 pages of newly processed records related to Item 7, as well as 425 reprocessed pages related to Item 5. The parties are currently discussing whether the government will also reprocess any other records.

The government's processing of Item 6 records is ongoing, consistent with the operative schedule.

Plaintiffs have raised certain additional questions about the government's productions. With respect to Item 7, Plaintiffs have identified several documents that they believe are responsive but are not in the production, and have also raised questions regarding redactions of certain information, including the names of amici curiae appointed by the Foreign Intelligence Surveillance Court and the dates of those appointments. Plaintiffs have also raised questions about the reprocessing of documents related to Items 8 and 9. The government is working to address these questions so that the parties can confer further. No party requests any relief from the Court at this time.

¹ The January 19 order directs the parties to file a status report "on the fifth day of each month." This month, February 5 was a Saturday. However, the parties understand this language to be a period stated in days, such that under Federal Rule of Civil Procedure 6(a)(1), the due date would fall on the next business day—today.

I thank the Court for its consideration of this matter.

Respectfully,

DAMIAN WILLIAMS
United States Attorney

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