



September 29, 2016

By ECF

Hon. Analisa Torres
United States District Judge
United States Courthouse
500 Pearl Street
New York, NY 10007

Re: *ACLU, et al. v. National Security Agency, et al.*, 13 Civ. 9198 (AT)

Dear Judge Torres:

Per the Court's order dated August 18, 2016 (ECF No. 83), I write to inform the Court that Plaintiffs have reviewed the State Department's letter dated September 26, 2016, concerning its supplemental review of additional files (ECF No. 86). The State Department reports that it located no records responsive to the FOIA requests at issue. Separately, on September 26, the government also transmitted to Plaintiffs a reprocessed version of a document titled "Classified Annex to DoD Procedures Under EO 12333" (NSD 94-125) (Ex. L to the Decl. of Jonathan Manes, ECF No. 71-13).

Accordingly, Plaintiffs respectfully ask that the Court reinstate their cross-motion for partial summary judgment (ECF No. 69), with the exception of their requests for (i) a series of deadlines for the State Department to review and process the material in the newly discovered boxes, *see* Pls.' Reply Br. at 2 (ECF No. 82), and (ii) disclosure of the "Classified Annex to DoD Procedures Under EO 12333," *see* Pls.' Br. at 42 (ECF No. 70).

We thank the Court for its consideration.

Respectfully submitted,

/s/Ashley Gorski

Ashley Gorski
American Civil Liberties Union
Foundation
125 Broad Street
New York, NY 10004
212-284-7305
agorski@aclu.org

AMERICAN CIVIL LIBERTIES
UNION FOUNDATION
NATIONAL OFFICE
125 BROAD STREET, 18TH FL.
NEW YORK, NY 10004-2400
T/212.549.2500
WWW.ACLU.ORG

OFFICERS AND DIRECTORS
SUSAN N. HERMAN
PRESIDENT

ANTHONY D. ROMERO
EXECUTIVE DIRECTOR

ROBERT B. REMAR
TREASURER

David A. Schulz
Hannah Bloch-Wehba
Brian O'Connor (law student intern)
Andrew Udelsman (law student intern)
Media Freedom and Information
Access Clinic, Yale Law School
P.O. Box 208215
New Haven, CT 06520
212-850-6103

Counsel for Plaintiffs

cc: Counsel for Defendants (by ECF and email)

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