



U.S. Department of Justice

United States Attorney  
Southern District of New York

86 Chambers Street  
New York, New York 10007

March 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.<sup>1</sup>

Since the parties' February 7, 2022 status report, we have continued to discuss the government's assertion of exemptions regarding certain documents. As set out in the court-ordered schedule, ECF No. 85, on February 14, 2022, the government provided Plaintiffs certain additional information about records withheld in full. Plaintiffs have objected to the agencies' withholding of certain documents in full based on the government's prior public disclosures and have requested additional information about the basis for those withholdings. The parties continue to discuss whether the government can provide any additional information.

In response to concerns raised by Plaintiffs, the government has also agreed to reexamine its assertion of exemptions in Item 9 records to ensure that its processing is consistent with previous non-FOIA official disclosures.

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

No party requests any relief from the Court at this time.

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<sup>1</sup> As was true for the parties' February status letter, we understand the time period set by the January 19 order (which directs the parties to file a status report "on the fifth day of each month") to fall within Federal Rule of Civil Procedure 6(a)(1), so that when the fifth day of the month falls on a weekend or holiday, the report is due the next business day.

I thank the Court for its consideration of this matter.

Respectfully,

DAMIAN WILLIAMS  
United States Attorney

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