



U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

April 29, 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:

With the consent of the plaintiffs, I write on behalf of the defendant agencies in the above-captioned matter to respectfully request a two-week partial extension of the government's May 2 deadline to complete a portion of the remaining processing in this FOIA case.

Under the operative schedule, the government must process at least 300 pages of Item 6 records by May 2. *See* ECF No. 85. While finalizing the May 2 production this week, government officials became aware that certain proposed redactions were not consistent with previous official government disclosures that have been made in other contexts. As a result, the government has determined that a limited portion of the proposed redactions under exemptions 1 and 3 for certain national security information are no longer appropriate because that information has already been officially disclosed by the relevant agency or agencies outside of this FOIA case. But for this realization, the government would have been prepared to complete processing of at least 300 pages of Item 6 records by May 2.

The issue affects the majority of the proposed May 2 production, but not the entire set. The parties have previously agreed that the government will complete reprocessing of Item 9 records by May 2 as well; this reprocessing remains on track. *See* ECF No. 88. Thus, the government is prepared to make a partial production on May 2 despite the issue.

In order to ensure that its withholdings are consistent with previous official disclosures, the government respectfully requests that the May 2 deadline be extended by two weeks—to May 16, 2022—solely with regard to the affected records. Plaintiffs consent to this request. The government does not request any other modification of the operative schedule, and the overall July 29, 2022 end date for all processing remains undisturbed by this request.

I thank the Court for its consideration of this matter.

Respectfully,

DAMIAN WILLIAMS
United States Attorney

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