



U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

November 10, 2009

By hand

The Honorable Victor Marrero
United States District Judge
United States Courthouse
500 Pearl Street
New York, New York 10007

Re: Doe v. Holder, 04 Civ. 2614 (VM)

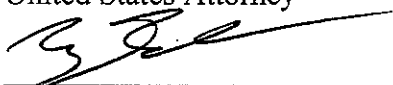
Dear Judge Marrero:

Enclosed please find a redacted copy of the plaintiffs' motion for reconsideration and memorandum of law dated November 3, 2009. The only change from the sealed version served by plaintiffs is the removal of the unredacted version of the NSL Attachment, which plaintiffs attached as Exhibit A to this memorandum. Counsel for plaintiffs and the government have conferred about the redaction and plaintiffs do not intend to contest the redaction at this time. Accordingly, we enclose one set of these papers as a courtesy copy, and respectfully request that the other set be filed on the public docket.

Respectfully,

PREET BHARARA
United States Attorney

By:


BENJAMIN H. TORRANCE
Assistant United States Attorney
Telephone: 212.637.2703
Fax: 212.637.2702
E-mail: benjamin.torrance@usdoj.gov

Encl.

cc: Melissa Goodman, Esq. (by e-mail and mail: ACLU, 125 Broad St., 18th Floor, NY, NY 10004)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JOHN DOE, INC.; JOHN DOE;
AMERICAN CIVIL LIBERTIES UNION; and
AMERICAN CIVIL LIBERTIES UNION
FOUNDATION,

Plaintiffs,

v.

ERIC HOLDER, Jr., in his official capacity as
Attorney General of the United States; ROBERT
MUELLER III, in his official capacity as Director
of the Federal Bureau of Investigation; and
VALERIE CAPRONI, in her official capacity as
Senior Counsel to the Federal Bureau of
Investigation,

Defendants.

PLAINTIFFS' MOTION FOR
PARTIAL RECONSIDERATION OF
THIS COURT'S OCTOBER 20, 2009
ORDER

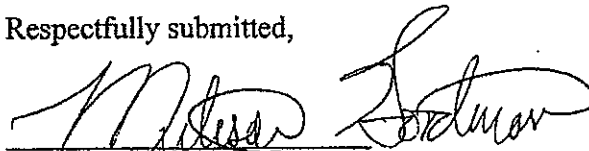
04 Civ. 2614 (VM)

SEALED

PLAINTIFFS' MOTION FOR PARTIAL RECONSIDERATION OF THIS COURT'S
OCTOBER 20, 2009 ORDER

Pursuant to Federal Rule of Civil Procedure 59(e) and Local Rule 6.3, plaintiffs John Doe, Inc., John Doe, American Civil Liberties Union, and American Civil Liberties Union Foundation respectfully move the Court to reconsider the portion of its October 20, 2009 Order that pertains to the FBI's continued suppression of the NSL Attachment. The attached Memorandum in Support of Plaintiffs Motion for Partial Reconsideration of this Court's October 20, 2009 Order explains the controlling law that plaintiffs' respectfully believe the Court overlooked and that might reasonably be expected to alter the conclusion reached by the Court.

Respectfully submitted,



MELISSA GOODMAN (MG-7844)
JAMEEL JAFFER (JJ-4653)
LAURENCE M. SCHWARTZTOL (LS-1978)
American Civil Liberties Union Foundation
125 Broad Street, 18th Floor

New York, NY 10004
(212) 549-2500

ARTHUR N. EISENBERG (AE-2012)
New York Civil Liberties Union Foundation
125 Broad Street, 19th Floor
New York, NY 10004

November 3, 2009