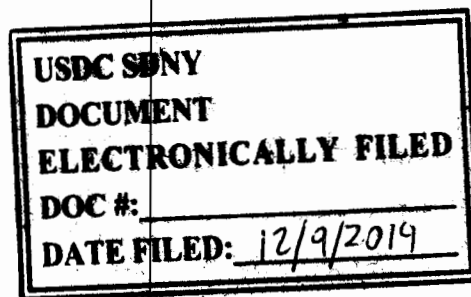


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



_____ x

AMERICAN CIVIL LIBERTIES UNION and
THE AMERICAN CIVIL LIBERTIES UNION
FOUNDATION,

Plaintiff,

12 Civ. 794 (CM)

-against-

U.S. DEPARTMENT OF JUSTICE, et al.,

Defendants.

_____ x

ORDER DENYING PLAINTIFF'S MOTION FOR RECONSIDERATION

McMahon, J.:

For substantially the reasons set forth in the Government's Memorandum of Law in Opposition to the ACLU's Motion for Reconsideration of Court's Decision on Remand (Docket #104), the motion for reconsideration is denied insofar as it addresses Bies Ex. B/K. The motion has already been denied insofar as it relates to the other documents reviewed by the court this go-around.

The only thing I really need to note before this aspect of the case is handed off to the Second Circuit is that I read the Second Circuit's decision in the same way the Government does – that is, the Court of Appeals has concluded that the Government has waived FOIA exemptions *only* to the extent of legal analysis. If I misunderstand the Court of Appeals, I am sure the panel will correct me.

The Clerk of Court should remove the motion at Docket # 95 from the court's list of open motions.

Dated: December 9, 2014

A handwritten signature in black ink, appearing to read "Peter McMahon".

U.S.D.J.

BY ECF TO ALL COUNSEL

BY ECF TO ALL COUNSEL