



U.S. Department of Justice

United States Attorney
Southern District of New York

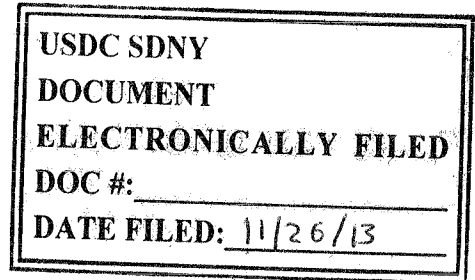
86 Chambers Street, 3rd Floor
New York, New York 10007

November 25, 2013

MEMO ENDORSED

BY ECF

The Honorable William H. Pauley, III
United States District Judge
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street
New York, NY 10007



Re: *ACLU et al. v. FBI et al.*, 11 Civ. 07562 (WHP)

Dear Judge Pauley:

In accordance with the Court's August 16, 2013, Order, as modified by the Standing Order Regarding a Stay of Certain Cases Pending the Restoration of Department of Justice Funding dated October 1, 2013 (the "Standing Order"), we write on behalf of both parties to provide the Court with a report on the current status of the above-referenced Freedom of Information Act ("FOIA") case regarding Section 215 of the USA PATRIOT Act. The parties respectfully request leave to submit another joint status report to the Court on December 6, 2013.

Pursuant to the Court's Order dated August 16, 2013, as modified by the Standing Order, the Government completed its declassification review of three tranches of documents responsive to plaintiff's FOIA request, and released all information not exempt from disclosure under the FOIA to the ACLU, on three separate dates: September 10, 2013, October 28, 2013, and November 18, 2013. The parties have discussed the only remaining records at issue, the FISC orders that were identified in the final row of the Government's *Vaughn* index, and agree that the Government will process only the subset of these FISC orders that a) relate to bulk collection, and b) contain any additions and/or adjustments to the implementation procedures, minimization procedures, and/or reporting requirements set out in other FISC orders. The Government is in the process of determining how much time it will require to complete the processing of this final set of records.

Over the next couple of weeks, the parties will continue their discussions regarding the documents that have been processed over the last several months and begin to narrow the issues for litigation before this Court. The parties respectfully propose, subject to the Court's approval, that they submit another joint status report to the Court on December 6, 2013, in which they will report on the status of their discussions, and will propose to the Court an agreed schedule for processing the final set of FISC orders at issue in this case.

We thank the Court for its consideration of this request.

Respectfully,

PREET BHARARA
United States Attorney

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cc: (via ECF) Alexander Abdo, Esq.

Application granted.

SO ORDERED:



WILLIAM H. PAULEY III U.S.D.J.
11/26/13