



U.S. Department of Justice

*United States Attorney
Southern District of New York*

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

January 31, 2014

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 December 17, 2013, Order, we write on behalf of both parties to provide the Court with an update on the current status of the above-referenced Freedom of Information Act ("FOIA") case regarding Section 215 of the USA PATRIOT Act. The Government has completed all processing of responsive documents in this case, and the parties respectfully request that the Court order a briefing schedule for summary judgment motions, as set forth below.

On January 17, 2014, the Government completed its declassification review and processing of the final set of responsive documents in this FOIA case, as narrowed by the various agreements of the parties. In accordance with the Court's Order of August 2, 2013, the Government is providing to the Court, via hand delivery, the final set of documents released to ACLU on January 17, and made available to the public on the Director of National Intelligence's ("DNI") website, "IC on the Record," at <http://icontherecord.tumblr.com/>, as well as at www.dni.gov. The Government has withheld in full certain other responsive documents pursuant to 5 U.S.C. §§ 552(b)(1) and (b)(3).

The parties are continuing their discussions regarding the documents that have been processed in this case in the hopes of narrowing the issues for litigation before this Court. The ACLU likely will challenge the following categories of documents: (1) opinions or orders of the Foreign Intelligence Surveillance Court that relate to bulk collection and were withheld in full; (2) documents submitted to Congress that were withheld in full; (3) within the partially withheld documents, information related to: (i) methods of querying or analyzing bulk data, (ii) descriptions of investigations involving bulk data, and (iii) advantages of bulk-data collection or contact chaining; and (4) particular redactions in nine specific documents. Although discussions are ongoing, and the ACLU may agree to further reduce the number of particular documents, or types of redactions, that it intends to challenge, the parties respectfully request that the Court order the following schedule for summary judgment motions:

- 1) April 4, 2014: Government files its motion for summary judgment;
- 2) May 2, 2014: ACLU files its opposition and cross-motion for summary judgment;
- 3) May 30, 2014: Government files its opposition and reply brief;
- 4) June 13, 2014: ACLU files its reply brief.

We thank the Court for its consideration of this request.

Respectfully,

PREET BHARARA
United States Attorney

By: /s/ Emily E. Daughtry
JOHN D. CLOPPER
EMILY E. DAUGHTRY
Assistant United States Attorneys
Telephone: (212) 637-2716 (Clopper)
Telephone: (212) 637-2777 (Daughtry)
Facsimile: (212) 637-0033
john.clopper@usdoj.gov
emily.daughtry@usdoj.gov

Encl.

cc: (without enclosures, via email and ECF)
Alexander Abdo, Esq.
Patrick Toomey, Esq.
Michael Sarinsky, Esq.
Attorneys for Plaintiff