



MEMO ENDORSED

U.S. Department of Justice

*United States Attorney
Southern District of New York*

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

February 1, 2012

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FEB 2 2012
WILLIAM H. PAULEY
U.S.D.J.

BY HAND

The Honorable William H. Pauley
United States District Judge
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street
New York, NY 10007-1312

Re: *New York Times Co. et al. v. Dep't of Justice*, 11 Civ. 06990 (WHP)
ACLU et al. v. FBI et al., 11 Civ. 07562 (WHP)

Dear Judge Pauley:

I write respectfully to inform the Court of an error in the Government's January 26, 2012 letter requesting an extension of the briefing schedule in these related cases. In the January 26 letter, on behalf of the Government, I requested a three-week extension of the briefing schedule. Unfortunately, in setting forth the dates of the revised schedule, I inadvertently extended the deadline for the New York Times and the ACLU by only two weeks instead of three weeks. Specifically, I listed March 9, 2012—instead of March 16, 2012—as the due date for the briefs of the New York Times and ACLU. Because the other revised dates were listed correctly, the effect of the error was to reduce the period of time between the Government's opening brief and the briefs of the New York Times and ACLU from three weeks and 2 days to two weeks and 2 days, and to extend from three weeks to four weeks the period of time between the filing of the briefs of the New York Times and ACLU and the Government's reply brief. On January 27, 2012, the Court "so ordered" the Government's request, which included my error in the listing of the revised dates.

I regret the error and apologize for the inconvenience to the parties and the Court. I have discussed the matter with counsel for the New York Times and counsel for the ACLU. Based on those discussions, I respectfully request that the Court approve the corrected dates, as set forth below. Both the counsel for the New York Times and counsel for the ACLU consent to this request.

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If the Court grants the Government's request, the revised and corrected schedule will be as follows:

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- (1) The Government's brief in support of its motion for summary judgment in 11 Civ. 6990 and in support of its motion for partial summary judgment in 11 Civ. 7562 shall be filed by February 22, 2012;
- (2) The New York Times' brief in support of its cross-motion for summary judgment in 11 Civ. 6990 and the ACLU's brief in support of its cross-motion for partial summary judgment in 11 Civ. 7562 shall be filed by March 16, 2012;
- (3) The Government's reply shall be filed by April 6, 2012.

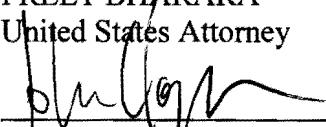
Finally, as noted in the Government's January 26 letter, the Court has scheduled oral argument for April 20, 2012, at 11:00 a.m. The Government is not, at this time, requesting an adjournment of the date for oral argument.

Thank you for your consideration of this request.

Respectfully,

PREET BHARARA
United States Attorney


By:



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Application granted. The Court adopts the revised schedule above.

SO ORDERED:



WILLIAM H. PAULEY III U.S.B.J. 2/6/12

cc: David McGraw, Esq. (by email)
Counsel for plaintiff New York Times in *New York Times Co. et al. v. Dep't of Justice*,
11 Civ. 06990 (WHP)

Charles Sims, Esq. (by email)
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Counsel for plaintiff ACLU in *ACLU et al. v. FBI et al.*, 11 Civ. 07562 (WHP)