



**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*

June 7, 2013

**RECEIVED**  
7 2013  
CHAMBERS OF  
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: *ACLU et al. v. FBI et al.*, 11 Civ. 07562 (WHP)

Dear Judge Pauley:

We write respectfully in regard to the above-referenced case brought pursuant to the Freedom of Information Act ("FOIA") to request that the Court hold the parties' cross-motions for summary judgment in abeyance while the Government assesses the effect, if any, of certain recent events on this case.

On June 6, 2013, in response to the unauthorized disclosure of a top secret U.S. court document, the Director of National Intelligence ("DNI") directed that certain information related to the "business records" provision of the Foreign Intelligence Surveillance Act be declassified and immediately released to the public. *See* DNI Statement on Recent Unauthorized Disclosures of Classified Information, *available at* <http://www.odni.gov/index.php/newsroom/press-releases/191-press-releases-2013/868-dni-statement-on-recent-unauthorized-disclosures-of-classified-information>. This case involves plaintiffs' request pursuant to the FOIA for documents concerning that same provision of the Foreign Intelligence Surveillance Act.

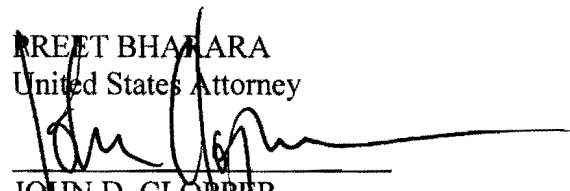
In light of the DNI's decision to declassify certain previously classified information, the Government requires time to consider what effect, if any, the DNI's decision has on the classification of information in some of the withheld documents still at issue in this case, and to consult with plaintiffs. Therefore, the Government respectfully requests that the Court hold the parties' cross-motions for summary judgment in abeyance at this time. The Government proposes that the parties file a status report with the Court within 30 days.

Thank you for your consideration of this request. We respectfully request that the Court docket this letter and make it a part of the record of this case.

Respectfully,

PREET BHARARA  
United States Attorney

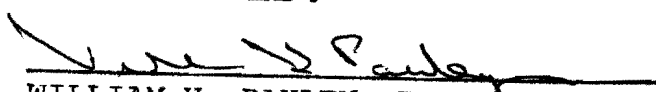
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cc: Charles Sims, Esq. (by email)  
Alex Abdo, Esq. (by email)  
Counsel for Plaintiffs

Application granted. The parties are directed to submit a status report within 30 days.

SO ORDERED:

  
WILLIAM H. PAULEY III U.S.D.J.

6/7/13