

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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AMERICAN CIVIL LIBERTIES :
UNION, *et ano.*, :

11 Civ. 7562 (WHP)

Plaintiffs, :

ORDER

-against- :

FEDERAL BUREAU OF :
INVESTIGATION, *et ano.*, :

Defendants. :

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WILLIAM H. PAULEY III, District Judge:

By the attached letter dated August 13, 2013, the parties have withdrawn their summary judgment motions and agreed upon a schedule for reviewing the documents at issue in this action. The following is therefore established on consent:

1. The parties' summary judgment motions are withdrawn. The Clerk of Court is directed to strike the motions pending at docket entries 40 & 58;
2. The Government will review the Foreign Intelligence Surveillance Court (FISC) Opinions at issue and release any segregable information not exempt under FOIA by September 10, 2013;
3. The Government will review a second tranche of documents and release any segregable information not exempt under FOIA by October 10, 2013;

4. The Government will review the remaining documents at issue, excluding the FISC orders in the final row of the Government's Vaughn index, and release any segregable information not exempt under FOIA by October 31, 2013;
5. The parties will submit a status report to the Court by November 8, 2013.

Dated: August 16, 2013
New York, New York

SO ORDERED:


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

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U.S. Department of Justice

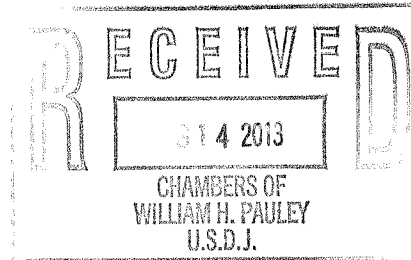
*United States Attorney
Southern District of New York*

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

August 13, 2013

BY HAND

The Honorable William H. Pauley, III
United States District Judge
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street
New York, NY 10007-131



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

Dear Judge Pauley:

On August 2, 2013, the Court ordered the parties in the above-referenced Freedom of Information Act ("FOIA") lawsuit to complete briefing in support of their cross motions for summary judgment. Specifically, the Court ordered the Government to file its reply/opposition brief by September 10, 2013, and the ACLU to file its reply brief by October 3, 2013. We write on behalf of both parties to inform the Court that both the Government and the ACLU have agreed to withdraw their pending cross-motions for summary judgment in light of changed circumstances.

Further, the Government has agreed that it will complete the processing of the documents in this case (not including the FISC Orders set forth in the final row of the Government's *Vaughn* index) by October 31, 2013, with two interim processing deadlines of September 10, 2013, and October 10, 2013. Specifically, the Government will complete its processing, including declassification review, of all the Foreign Intelligence Surveillance Court ("FISC") Opinions at issue in this case, and release any segregable information in these opinions that is not exempt under the FOIA, by September 10, 2013. The Government will complete its processing of a second tranche of documents by October 10, 2013, and will complete its processing of the remaining documents at issue, excluding the FISC Orders set forth in the final row of the Government's *Vaughn* index, by October 31, 2013. To the extent that the Government reviews and declassifies any documents at issue in this case on a more accelerated schedule and determines they are not exempt under the FOIA, the Government will provide such documents to both ACLU and the Court as soon as the review and declassification has been completed.

After October 31, 2013, the parties will meet and confer, and will submit a status report to the Court no later than November 8, 2013. In the status report, the parties either will inform

the Court of an additional deadline for the processing of the FISC Orders set forth in the final row of the Government's *Vaughn* index or inform the Court that the ACLU has decided to drop its challenge to the remaining FISC Orders. In either case, if necessary, the parties will propose a schedule for summary judgment briefing to resolve any remaining issues in the case.

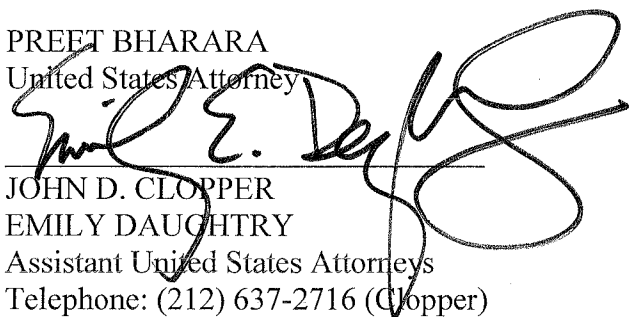
The parties respectfully request that the Court (1) approve and cause the docket to reflect the withdrawal of the parties' cross-motions for summary judgment; (2) approve the schedule agreed upon by the parties for re-processing the documents at issue in this case; and (3) order the parties to submit a status report to the Court by November 8, 2013.

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

By:



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Encl.

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