

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

AMERICAN CIVIL LIBERTIES UNION, *et al.*,

Plaintiffs,

v.

FEDERAL BUREAU OF INVESTIGATION, *et al.*,

Defendants.

11 Civ. 7562 (WHP)

ECF CASE

**SUPPLEMENTAL DECLARATION OF CHARLES S. SIMS IN SUPPORT OF  
PLAINTIFFS' REPLY BRIEF IN SUPPORT OF  
PLAINTIFFS' CROSS-MOTION FOR SUMMARY JUDGMENT**

I, Charles S. Sims, declare as follows:

1. I am a partner with Proskauer Rose LLP, counsel for Plaintiffs in the above-referenced matter. I am familiar with and have personal knowledge of the facts set forth herein and could and would testify competently thereto if called upon to do so.

2. Attached hereto as Exhibit 1 is a copy of the Declassified Letter from [Redacted], Attorney, Office of General Counsel (Intelligence Law) to "Evan" [No last name given] (no date given).

3. Attached hereto as Exhibit 2-A is a copy, with hypothetical redactions applied for illustration purposes, of the declassified version of Order Regarding Preliminary Notice of Compliance Incident Dated January 15, 2009, *In re Production of Tangible Things from [Redacted]*, No. 08-13 (FISC Jan. 28, 2009). This exhibit was originally filed as Exhibit A to the Third Decl. of Mark Rumold, *Elec. Frontier Found. v. DOJ*, No. 11-cv-05221-YGR (N.D. Cal. May 16, 2014) (ECF No. 81-1).

4. Attached hereto as Exhibit 2-B is a copy of the current declassified version of the same document above, Order Regarding Preliminary Notice of Compliance Incident Dated [Redacted], *In re Production of Tangible Things from [Redacted]*, No. [Redacted] (FISC [Redacted]). The highlighted text in Exhibit 2-B identifies the text that remains visible in Exhibit 2-A. This exhibit was originally filed as Exhibit B to the Third Decl. of Mark Rumold, *Elec. Frontier Found. v. DOJ*, No. 11-cv-05221-YGR (N.D. Cal. May 16, 2014) (ECF No. 81-1).

5. Attached hereto as Exhibit 3 is a copy of the Report of the United States, *In re Application of the Federal Bureau of Investigation for an Order Requiring the Production of Tangible Things from [Redacted]*, No. BR 09-09 (FISC [Redacted]).

6. Attached hereto as Exhibit 4 is a copy of the Primary Order, *In re Application of the Federal Bureau of Investigation for an Order Requiring the Production of Tangible Things from [Redacted]*, No. BR 09-13 (FISC Sept. 3, 2009).

7. Attached hereto as Exhibit 5 is a copy of the Supplemental Opinion and Order, *In re Application of the Federal Bureau of Investigation for an Order Requiring the Production of Tangible Things from [Redacted]*, No. BR 09-15 (FISC Nov. 5, 2009).


8. Attached hereto as Exhibit 6 is a copy of the Primary Order, *In re Application of the Federal Bureau of Investigation for an Order Requiring the Production of Tangible Things from [Redacted]*, No. BR 10-10 (FISC Feb. 26, 2010).

9. Attached hereto as Exhibit 7 is a copy of the Joint Motion for Enlargement of Time, *In re Application of the Federal Bureau of Investigation for an Order Requiring the Production of Tangible Things [Redacted]*, No. BR 09-19 (FISC Jan. 8, 2010).

10. Attached hereto as Exhibit 8 is a copy of the Order re: Production of Documents for *In Camera* Review, *Electronic Frontier Found. v. DOJ*, No. 11-cv-05221-YGR (N.D. Cal. June 13, 2014) (ECF No. 85).

Dated: June 13, 2014  
New York, NY

Respectfully submitted,



---

Charles S. Sims

Proskauer Rose LLP  
11 Times Square  
New York, NY 10036  
Phone: (212) 969-3000  
Fax: (212) 969-2900  
csims@proskauer.com