



U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

April 2, 2009

BY FACSIMILE

Hon. Alvin K. Hellerstein
United States District Court
Southern District of New York
500 Pearl Street, Room 1050
New York, New York 10007-1312

Re: ACLU, et al., v. Department of Defense, et al., No. 04 Civ. 4151 (AKH)

Dear Judge Hellerstein:

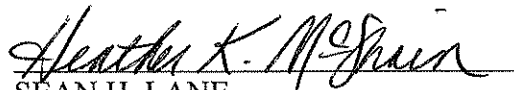
We write respectfully to request an additional 20 days, from April 2, 2009 until April 22, 2009, to file the Government's opposition to plaintiffs' fourth motion for summary judgment and the Government's cross-motion. Plaintiffs have informed the Government that they consent to this extension based on the Government's representation that high-level Government officials will consider for possible release the three Office of Legal Counsel ("OLC") memoranda at issue in plaintiffs' fourth motion for summary judgment, and an August 1, 2002 OLC memorandum that is now on appeal before the Second Circuit. The Government has further represented that any release of information from these documents will take place on or before April 16, 2009, with the Government to file any brief and supporting papers four business days later on April 22, 2009, as to any remaining issues for litigation.

The Court has granted the Government four prior extensions of time for its opposition and cross-motion. We thank the Court for its consideration of this request.

Respectfully,

LEV L. DASSIN
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By:



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