



U.S. Department of Justice

*United States Attorney
Southern District of New York*

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November 28, 2016

BY ECF

The Honorable J. Paul Oetken
United States District Judge
United States District Court
40 Foley Square
New York, New York 10007

Re: American Civil Liberties Union et al. v. TSA
Docket No. 15-cv-2061(JPO)

Dear Judge Oetken:

Defendant Transportation Security Administration (“TSA”) writes respectfully on behalf of both parties pursuant to the Court’s order dated September 27, 2016, *see* ECF No. 24, to provide the Court with a status update regarding the parties’ efforts to resolve this FOIA matter without motion practice. As the parties are continuing to confer in good faith in an effort to address any disputes that would require adjudication by the Court, the parties respectfully request that they be permitted to submit a further status update in 60 days, or on or before January 27, 2017.

Since the parties’ previous letter, dated September 27, 2016, *see* ECF No. 23, TSA has provided plaintiffs American Civil Liberties Union and American Civil Liberties Union Foundation (“Plaintiffs” or “ACLU”) with revised *Vaughn* indices for previous productions containing documents with certain redactions that TSA revised after conferring with ACLU about the same. TSA has also produced documents from TSA’s Office of Legislative Affairs (“OLA”) and will provide Plaintiffs with a corresponding *Vaughn* index within the next ten (10) days. The parties will also confer regarding whether ACLU is seeking through its FOIA request any categories of documents from OLA other than the documents TSA has produced thus far and, if so, to agree upon a schedule for the search, review, and production of any such documents.

Additionally, TSA’s Office of Chief Counsel (“OCC”) has completed its search for documents responsive to ACLU’s FOIA request and TSA is reviewing those documents and processing responsive documents. TSA expects to produce certain OCC documents by mid-

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December and to complete the production of OCC documents by late January 2017. Thereafter, TSA will provide ACLU with a *Vaughn* index for any withholdings in the OCC documents and a revised search declaration. The parties will then confer regarding any further challenges by Plaintiffs to TSA's search or information withheld, if any, in an effort to resolve this matter without the need for further litigation.

Thank you for your attention to this matter.

Respectfully submitted,

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