



**U.S. Department of Justice**

*United States Attorney  
Southern District of New York*

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*86 Chambers Street  
New York, New York 10007*

January 26, 2017

**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 November 29, 2016, *see* ECF No. 26, 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 March 27, 2017.

Since the parties’ previous letter, dated November 28, 2016, *see* ECF No. 25, TSA has produced a portion of the documents from TSA’s Office of Chief Counsel (“OCC”) responsive to plaintiffs American Civil Liberties Union’s and American Civil Liberties Union Foundation’s (“ACLU”) FOIA request. TSA is reviewing and processing the remaining OCC documents and will produce any additional responsive, non-exempt documents to ACLU on a rolling basis. TSA will also provide ACLU with a *Vaughn* index for any withholdings in the OCC documents on a rolling basis following each production.

The parties also conferred regarding whether ACLU is seeking documents from TSA’s Office of Legislative Affairs (“OLA”) other than the documents TSA had already produced. The parties agreed that TSA will review e-mail correspondence from the years 2012-2014 related to certain requests for information from members of Congress and produce any responsive, non-exempt e-mails responsive to ACLU’s FOIA request. OLA expects to complete gathering potentially responsive e-mails by January 27, 2017, and TSA will work to complete reviewing

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and processing the e-mails promptly. TSA will then produce any responsive, non-exempt e-mails followed by a *Vaughn* index for any withholdings.

TSA is working diligently in effort to complete processing the OCC and OLA documents and provide ACLU with the related *Vaughn* indices as well as a revised search declaration by March 27, 2017. The parties will then confer regarding any further challenges by ACLU to TSA's search or information withheld, if any, in an effort to resolve this matter without the need for further litigation. Should TSA anticipate needing additional time to complete processing the documents and/or preparing the *Vaughn* indices and revised search declaration, TSA will notify ACLU prior to March 27, 2017, and the parties will confer in an effort to agree upon a new target date for completion.

Thank you for your attention to this matter.

Respectfully submitted,

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