



U.S. Department of Justice

*United States Attorney
Southern District of New York*

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December 7, 2021

BY ECF

Hon. Lorna G. Schofield
United States District Judge
United States Courthouse
40 Foley Square
New York, New York 10007

Re: *American Civil Liberties Union et al. v. Office of the Director of National Intelligence, et al.*, 18 Civ. 12131 (LGS)

Dear Judge Schofield:

I write on behalf of the government to respectfully request a minor modification of the Court's August 6, 2021 scheduling order, ECF No. 71, to permit the government to process 393 pages, rather than 400 pages, for today's interim processing deadline. Plaintiffs consent to this request.

Under the August 6 order, the government must, by today, process 400 potentially responsive records, subject to certain conditions laid out in the parties' agreement and so-ordered by the Court. As relevant here, under the order, if records "were previously officially disclosed by the United States government (whether through FOIA or other means)," those records need not be processed again, but such records "will not count toward the government's interim processing quotas or delay those interim processing deadlines." August 6 order at 2.

Today, while finalizing its production, the government realized for the first time that one 26-page record had previously been officially disclosed by the Office of the Director of National Intelligence. After removing this record from the production, the government will have fully processed only 393 pages for today's interim processing deadline—seven pages below its obligation under the August 6 order.

Given the small variance, the government respectfully requests that the August 6 order be modified solely to permit the 393 processed pages to satisfy the government's interim processing obligation. Plaintiffs consent to this request.

I thank the Court for its consideration of this request.

Respectfully,

DAMIAN WILLIAMS
United States Attorney

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