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PUBLIC INTEREST & CONSTITUTIONAL LAW

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Via ECF

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

RE: *ACLU et al. v. Department of Defense et al,*
Case No. 1:15-cv-09317-AKH

Dear Judge Hellerstein:

Plaintiffs are in receipt of the Government's correspondence of last Friday, seeking a stay of Your Honor's Order with regard to redacting certain language from the transcripts of *ex parte* proceedings conducted by the Court in the above-referenced matter. As Your Honor knows, Plaintiffs were not permitted to be present for such proceedings and have no way of knowing what was and was not redacted. Accordingly, though we might well have a position with regard to the redactions if we were aware of them, and although we favor the broadest possible release of such information without disclosing classified material, as we know the Court does, we take no position on the Government's request for a stay, because we cannot do so based upon our current knowledge. This should not, of course, be viewed as any kind of admission or concession with regard to either the underlying merits or the Court's transcript redactions.

Thank you for your kind consideration of this matter.

Respectfully submitted,

s/ Lawrence S. Lustberg
Lawrence S. Lustberg

cc: All counsel of record via ECF