



U.S. Department of Justice

*United States Attorney
Southern District of New York*

Granted.
So Ordered.
3/29/17

BY ECF

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

J. PAUL OETKEN
United States District Judge

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 January 27, 2017, *see* ECF No. 28, 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 90 days, or on or before June 26, 2017, by which time the parties are hopeful they will be able to resolve the case without motion practice.

Since the parties’ previous letter, dated January 26, 2017, *see* ECF No. 27, TSA has produced additional 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 work diligently to produce any additional responsive, non-exempt documents to ACLU on a rolling basis within the next 45 days. TSA will also provide ACLU with a draft *Vaughn* index for any withholdings in the OCC documents on a rolling basis following each production.

TSA has also gathered and is reviewing and processing e-mail correspondence from TSA’s Office of Legislative Affairs (“OLA”) and will work diligently to produce any responsive, non-exempt e-mails to ACLU within the next 45 days and a draft *Vaughn* index for any withholdings in the OLA documents following any production.

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TSA will also provide ACLU with a revised search declaration within 45 days. The parties will then confer regarding any further challenges by ACLU to TSA's search or information withheld in an effort to resolve this matter without the need for further litigation. Once any outstanding issues are resolved, TSA will provide ACLU with a revised *Vaughn* index, if necessary, and the parties will confer in an effort to resolve ACLU's anticipated request for attorneys' fees. The parties will then work cooperatively to submit a proposed disposition of the case to the Court on or before June 26, 2017.

Thank you for your attention to this matter.

Respectfully submitted,

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Acting United States Attorney for the
Southern District of New York

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