



U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

August 8, 2014

By ECF

Hon. Analisa Torres
United States District Judge
United States Courthouse
500 Pearl Street
New York, NY 10007

Re: *ACLU et ano. v. National Security Agency, et al.*, 13 Civ. 9198 (AT) (MHD)

Dear Judge Torres:

I write respectfully to request (1) a 19-day extension of the deadline set by the order of May 21, 2014 (Dkt. No. 31), requiring defendant CIA to complete its search for potentially responsive documents in this FOIA action by today, and (2) a corresponding modification of the August 15, 2014 date by which the Court has authorized the parties to propose modification of the CIA's deadline for review and processing of responsive records.¹ Plaintiffs this afternoon informed me they do not consent to this request, and intend to submit an opposition letter on August 11.

The CIA informs me that it has been working diligently in good faith and made substantial progress toward completing its search within the existing schedule, and has gathered a considerable volume of potentially responsive documents. It has not, however, completed all facets of its intended search, and it believes that it will need until August 27 to do so. Further, because its search has yielded what may be a substantially over-inclusive set of documents, many of which may prove not responsive to plaintiffs' request, the CIA needs to complete an ongoing initial review before identifying a responsive subset for more thorough processing. Further, the CIA needs to finish that screening for nonresponsive documents within the document set it has identified in order to generate a reliable estimate of its required processing time. The CIA therefore requests that its time to complete its search and to describe to plaintiffs the volume and nature of the documents it has located be extended to August 27, 2014, and that the date by which either party may apply to the Court for a change to the existing deadline for CIA to complete its review and processing of responsive documents be changed to September 5, 2014. We believe that these requests in fact will best serve the interests of judicial economy and prompt completion of CIA's search requirements, by permitting CIA to isolate a likely smaller group of responsive documents, make a more accurate estimate of total required processing time, and proceed with that phase of its production as efficiently as possible.

I apologize for not having submitted this request previously.

¹ Assistant U.S. Attorney J.D. Barnea has previously appeared in this matter and remains assigned to the case, but is out of the office today.

Thank you for your consideration of this matter.

Respectfully submitted,

PREET BHARARA
United States Attorney

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cc: Counsel for Plaintiffs (by ECF notification and email)