U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

October 22, 2026

BY ECF
The Honorable Dale E. Ho
United States District Judge
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

Re: *Knight First Amendment Institute v. Office of Management and Budget, et al.*, 25 Civ. 8783 (DEH)

Dear Judge Ho:

This Office represents the defendant agencies in this Freedom of Information Act (FOIA) case. We write jointly with counsel for plaintiff in response to the Court's October 20 order, ECF No. 28, which set a conference for Monday, October 26 at 3pm, and directed the parties as follows:

> By no later than October 22, 2026, the parties shall file a joint status letter proposing (1) deadlines for completing outstanding searches and providing information necessary for Plaintiff to evaluate the agencies' responses and to identify any issues that remain in dispute, and (2) a schedule for resolving such issues, if any, including through summary judgment if necessary. If the parties cannot agree on any of the above, the letter may set forth the parties' competing proposals and their respective positions (no more than 2 pages per side).

We provide the responses below.

Deadlines for completing searches and providing information. With respect to the first point, the agencies propose the following deadlines and next steps. (Additional information about the status of each agency is contained in the parties' October 16 joint status report.)

- OIP is preparing an informal statement to provide plaintiff with additional information about the basis for several withholdings specified by plaintiff. OIP will provide this document to plaintiff by November 6, 2026.
- OLC will finish its supplemental search by October 30. By November 3, it will provide a proposed processing timeline to plaintiff. (Because the processing timeline will depend on the volume and nature of search results, it is not possible for the agency to propose a processing timeline until the search is complete.)

- OMB previously completed an initial search and a supplemental search. Earlier today, OMB provided the search terms used in each. It has also asked plaintiff to provide any proposed additional search terms so that it can evaluate them.

Proposed case management steps. Plaintiff does not object to the timelines and steps described in the previous section, though it reserves its rights to object to OLC's proposed processing timeline once it is provided and to OMB's response to the proposed search terms.

The parties agree that it is premature to set a summary judgment schedule at this time. Processing is not yet complete. Once it is complete, the parties intend in the first instance to attempt to resolve any remaining issues without the Court's intervention. Thus, for the time being, the parties agree that monthly status reports are appropriate for case management.

We thank the Court for its attention to this matter.

Respectfully submitted,

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