U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

February 26, 2019

BY ECF
The Honorable Andrew L. Carter, Jr.
United States District Judge
Thurgood Marshall United States Courthouse
40 Foley Square, Room 2203
New York, NY 10007

Re: *Knight First Amendment Institute v. U.S. Dep't of Homeland Security et al.*, No. 17 Civ. 7572 (ALC)

Dear Judge Carter:

I write respectfully on behalf of the United States Department of Homeland Security ("DHS"), Immigration and Customs Enforcement ("ICE"), Department of Justice, Office of Legal Counsel ("OLC"), Department of State ("State"), Citizenship and Immigration Service ("USCIS"), Customs and Border Patrol ("CBP"), Department of Justice, Office of Public Affairs ("OPA"), and Department of Justice, Office of Information Policy ("OIP," and collectively, the "government"), defendants in the above-referenced FOIA action, to request an enlargement of the page limit for summary judgment briefing, and to request a modification to the briefing schedule as to DHS. Plaintiff consents to these requests.

On February 15, 2019, the Court endorsed a briefing schedule in which plaintiff's challenges to the searches conducted by DHS, ICE and OLC, as well as the withholdings claimed by State, are to be briefed first (with the final brief due by May 13, 2019), and plaintiff's challenges to the withholdings claimed by USCIS and ICE are to be briefed second (with the final brief due by May 29, 2019). Dkt. No. 87. In light of the number of agencies and components, and the number of exemptions, at issue in this litigation, the government respectfully requests an enlargement of the page limit, from 25 pages to 35 pages, for its two memoranda in support of the agencies' motions for partial summary judgment.

In addition, in consultation with plaintiff, DHS has agreed to conduct an additional search for documents responsive to plaintiff's FOIA request. DHS and plaintiff are meeting and conferring regarding the scope of that supplemental search, and expect to provide the Court with a proposed stipulation outlining the supplemental search forthwith. As a result, DHS will not file a motion for partial summary judgment in this round of briefing, and respectfully requests to provide the Court with a status report by April 1, 2019, regarding any proposed future briefing.

These are the first requests for an enlargement of the page limit and to adjust the briefing schedule with respect to DHS; as noted above, plaintiff consents to both requests. We thank the Court for considering this matter.

Respectfully,

GEOFFREY S. BERMAN
United States Attorney

By: */s/ Ellen Blain*

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