IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

AMERICAN CIVIL LIBERTIES UNION and AMERICAN CIVIL LIBERTIES UNION FOUNDATION, *Plaintiffs*, *v.* CENTRAL INTELLIGENCE AGENCY, *et al.*, *Defendants*.	)	Civil Action No. 1:16-cv-1256 (EGS)

JOINT PROPOSED BRIEFING SCHEDULE

This action arises from a Freedom of Information Act ("FOIA") request submitted by Plaintiffs American Civil Liberties Union and American Civil Liberties Union Foundation (collectively, "the ACLU" or "Plaintiffs") to 19 federal agencies, for seven different categories of information related to the agencies' respective prepublication review processes. Dkt. No. 1. At this point in the proceedings, the case involves a discrete challenge to a single withholding made by Defendant Central Intelligence Agency ("CIA"), to a single document it produced to the ACLU in response to its requests.

On September 12, 2019, in accordance with the briefing schedule previously entered by the Court on August 8, 2019, the CIA filed a Motion for Summary Judgment, as to this withholding. *See* Dkt. No. 52. However, the format of the CIA's Statement of Material Facts as to Which There Is No Issue ("Statement of Facts") failed to comply with the Court's Standing Order, ECF No. 46 at 8-10, in that it did not list these facts in a

table. On September 13, 2019, the Court denied the CIA's motion without prejudice on this ground, vacated the earlier-entered briefing schedule, and ordered the parties to submit a Joint Proposed Briefing Schedule no later than September 27, 2019. The parties have conferred and submit the instant filing in comportment with this instruction.

The parties have conferred, in the course of which the CIA has explained that it will correct the formatting error in its Statement of Facts, but that its resubmission of its Motion for Summary Judgment and attendant attachments and supporting documents will be otherwise unchanged from its original filing. The parties agree, accordingly, that the original briefing schedule entered by the Court need not change, as it was mutually negotiated in comportment with the parties' respective schedules and other professional commitments; further, as of September 12, 2019, the ACLU has been on notice of the substance of the CIA's arguments and it is therefore not prejudiced in its ability to prepare and file its cross-motion and opposition on or before the originally agreed upon date. Accordingly, the parties jointly propose the following schedule for further proceedings:

(1) Within 24 hours of the Court's entry of the attached proposed order, or other order to the same effect, the CIA shall re-file its motion for summary judgment and accompanying memorandum and documentation in support thereof. This filing shall be substantively identical to the CIA's September 12, 2019 filing, except that the filing date notated on the relevant documents shall be updated as appropriate, and the CIA's Statement of Facts shall be re-formatted in compliance with the Standing Order of the Court.

(2) Plaintiffs shall file their cross-motion for summary judgment, with a single memorandum in support of their own motion and in opposition to the CIA's motion, on or before October 10, 2019.

(3) The CIA shall file a single memorandum containing its reply arguments in support of their own motion and in opposition to Plaintiffs' motion, on or before October 31, 2019.

(4) Plaintiffs shall file a reply memorandum in support of their motion on or before November 14, 2019.

The re-adoption of the proposed briefing schedule will facilitate the efficient resolution of this lawsuit and conserve the Court's resources. Accordingly, the parties respectfully request that the Court enter the above-described schedule for further proceedings.

A proposed order reflecting this proposal is attached hereto for the convenience of the Court.

Dated: September 16, 2019

Respectfully submitted,

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