U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

December 10, 2020

By ECF
The Honorable Analisa Torres
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: *Knight First Amendment Institute v. Centers for Disease Control & Prevention*, 20 Civ. 2761 (AT)

Dear Judge Torres:

This Office represents defendants Centers for Disease Control and Prevention and the United States Department of Health and Human Services (together, "Defendants") in the above-referenced matter brought under the Freedom of Information Act ("FOIA"). I write respectfully on behalf of Defendants to inform the Court that on December 4, 2020, Defendants voluntarily released to plaintiff Knight First Amendment Institute at Columbia University ("Plaintiff") three re-processed documents at issue in this litigation. These three documents are some of the records at issue in the parties' cross-motions for summary judgment, which are currently pending before the Court. *See* ECF Nos. 32-34, 38-45.

Following re-processing, Defendants removed previously applied redactions made pursuant to FOIA Exemption 5 from the three records, which correspond to items 33, 34, and 35 on Defendants' *Vaughn* index. *See* ECF No. 34-1.[1] We have conferred with counsel for Plaintiff, who agree that there is no outstanding dispute concerning items 33, 34, and 35. Accordingly, because Defendants have now released these records without any Exemption 5 withholdings, items 33, 34, and 35 are no longer in dispute.

[1] These records also contain Exemption 6 redactions, which remain; however, Plaintiff has not challenged Defendants' withholdings on the basis of Exemption 6.

Respectfully submitted,

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Southern District of New York

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cc: Counsel of record (via ECF)