

KNIGHT
FIRST AMENDMENT
INSTITUTE at
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September 21, 2021

Via ECF

The Honorable Analisa Torres
United States District Court for the
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: *Knight First Amendment Inst. at Columbia Univ. v. Centers for Disease Control & Prevention*, Case No. 1:20-cv-02761-AT

Dear Judge Torres,

Plaintiff the Knight First Amendment Institute at Columbia University writes in response to Defendants' September 20, 2021 request for a stay. *See* ECF No. 55. On September 17, 2021, the Court issued an opinion and order instructing Defendants to release unredacted versions of Documents 9, 10, 11, 27, and 28 by September 24, 2021, and to release Document 12 with all segregable factual material unredacted by October 1, 2021. *See* ECF No. 54 at 36. Defendants now ask the Court to stay its order as to those release dates for 60 days from the date of the order, until November 16, 2021. ECF No. 55 at 1. As Defendants noted, Plaintiff consents to a stay of only 30 days from the date of the order, until October 18, 2021. *Id.* at 2.

Plaintiff initially filed its Freedom of Information Act request over 18 months ago, seeking urgently needed information about the COVID-19 pandemic and the ways in which the government had restricted the flow of information to the public. *See* ECF No. 1-1. These records—which the Court agrees Defendants have improperly withheld—remain vital to the public's understanding of this public health crisis.

Nevertheless, in response to Defendants' request for additional time to consider an appeal, Plaintiff as a matter of courtesy consented to a stay of the release of this critical information until thirty days after the date of the Court's order. Thirty days

will provide Defendants more than enough time to consider an appeal, especially given the narrow set of issues involved. Notably, Defendants do not explain why a 30-day period is not long enough—only that "[t]he seven and fourteen days provided by the Court's disclosure orders would not allow sufficient time[.]" ECF No. 55 at 3.

Additionally, Plaintiff disagrees with Defendants' application of the factors relevant to the Court's consideration of a stay. In particular, Plaintiff disagrees with Defendants' assertion that they can "present a substantial case on the merits" on appeal, *id*. at 3, for the reasons outlined in Plaintiff's briefs, ECF Nos. 39 & 44, as well as in this Court's opinion and order, ECF No. 54. And as explained above, the public interest does not favor an unnecessarily lengthy stay in this matter.

Plaintiff thus respectfully requests that the Court limit any stay it grants to 30 days from the date of its order, until Monday, October 18, 2021.

Respectfully,

/s/ Anna Diakun

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