U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

November 28, 2022

BY ECF
The Honorable Alvin K. Hellerstein
United States District Judge
Daniel Patrick Moynihan United States Courthouse
500 Pearl St.
New York, NY 10007-1312

Re: *Knight First Amendment Institute at Columbia University v. Office of the Director of National Intelligence, et al.*, 22 Civ. 9096 (AKH)

Dear Judge Hellerstein:

This Office represents the defendant federal agencies (together, the "government") in this Freedom of Information Act action. The parties write jointly to request that the Court enter a proposed scheduling order that will allow plaintiff to amend its complaint without the need for the government to respond to the original complaint.

Plaintiff served the summons and complaint as required by Federal Rule of Civil Procedure 4(i). *See* ECF Nos. 13-17. Under FOIA, the defendant agencies' answer or other response to the complaint is currently due by approximately November 30, 2022. *See* 5 U.S.C. § 552(a)(4)(C) (providing that the government's answer or response to a FOIA complaint is due 30 days after the date of service). However, in light of recent developments in this case, plaintiff intends to amend its complaint. In order to avoid the inefficiency of responding to a complaint that very shortly will no longer be the operative one, the parties propose that the Court enter the following schedule:

- Plaintiff will amend its complaint by December 7, 2022.
- The government's time to answer or otherwise respond to the complaint will be 14 days from the date plaintiff files its amended complaint.

We thank the Court for its consideration of this request.

Respectfully submitted,

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Southern District of New York

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