U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

November 28, 2022

Via ECF
Honorable Katherine Polk Failla
United States District Court
Southern District of New York
40 Foley Square
New York, New York 10007

MEMO ENDORSED

Re: *Knight First Amendment Institute at Columbia Univ. v. U.S. Dep't of State et al.*, 22 Civ. 3003 (KPF)

Dear Judge Failla:

This Office represents defendants the U.S. Department of State ("State"), the U.S. Department of Homeland Security ("DHS"), and the Office of the Director of National Intelligence ("ODNI"; collectively with State and DHS, "Defendants" or the "Agencies"), in the above-referenced case brought by plaintiff Knight First Amendment Institute at Columbia University ("Plaintiff") pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552.

I write respectfully to provide a status update pursuant to the Court's order dated September 28, 2022. *See* minute order dated Sept. 28, 2022.

As noted at the September 28 conference, DHS completed its internal review of records responsive to Plaintiff's FOIA request and issued a response on September 27.

Since the conference, pursuant to the schedule as proposed:

(1) ODNI issued a response letter on October 31, noting that it had reviewed responsive records internally, and that records were sent to other agencies for consultation; and

(2) State reviewed records pursuant to the proposed schedule and issued two rolling responses on October 14 and November 15.

In reviewing its response letter issued on October 31, ODNI has determined that one record (an attachment to an email) was inadvertently omitted from its review. ODNI intends to complete its internal review of this record and issue a supplemental response by December 22.

All three Agencies continue to await the responses to consultations with other agencies and components, which they continue to follow up on regularly.

Pursuant to the September 28 order, the Agencies will provide another status update in 60 days.

Thank you for your consideration of this matter.

Respectfully submitted,

DAMIAN WILLIAMS
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By: /s/ Samuel Dolinger
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cc: Counsel of record (via ECF)

The Court is in receipt of the above status update. Per the Court's September 28, 2022 Order (*see* Sept. 28, 2022 Minute Entry), Defendants shall submit a further update on or before **January 27, 2023.**

Dated: November 29, 2022
New York, New York

SO ORDERED.

HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE