U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

May 26, 2023

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 March 29, 2023. *See* Dkt. No. 31.

All three Agencies continue to await certain responses to consultations with other agencies and components, which they continue to follow up on regularly. The status for each of the Agencies is as follows:

(1) DHS: on May 24, 2023, DHS issued an interim response and accompanying production of 14 pages returned from consultations. After the most recent interim production, DHS has 18 remaining pages pending consultation with four separate agencies. (2 additional pages were determined to be duplicative of previous releases.) DHS continues to follow up on these consultations regularly and intends to issue a response to Plaintiff within 15 days of receiving the consultation response. Separately, DHS has now returned 42 pages of pending consultation records that had been sent by State.

(2) State: As noted above, State has received from DHS certain records that were subject to a consultation request. State intends to produce the nonexempt portions of those records in the next 14 days. Certain additional records that State sent out for consultation have not yet been returned by one of the agencies to which the consultation was sent. State continues to follow up on that consultation regularly and intends to issue a response to Plaintiff within 14 days of receiving the consultation response.

(3) ODNI: Certain records that ODNI sent out for consultation in March have not yet been returned. ODNI continues to follow up on these consultations regularly and intends to issue a response to Plaintiff within 15 days of receiving the consultation response.

Pursuant to the Court's order dated September 28, 2022, the Agencies will provide another status update in 60 days. If all outstanding consultation requests are completed and responses issued to Plaintiff before that date, Defendants respectfully propose to provide a status report to the Court within 14 days of the issuance of the final response.

Thank you for your consideration of this matter.

Respectfully submitted,

DAMIAN WILLIAMS
United States Attorney for the
Southern District of New York

By: /s/ Samuel Dolinger
SAMUEL DOLINGER
Assistant United States Attorney
86 Chambers Street, 3rd Floor
New York, New York 10007
Tel.: (212) 637-2677
samuel.dolinger@usdoj.gov

cc: Counsel of record (via ECF)

The Court is in receipt of the above status update. Defendants shall submit a further update on or before the earlier of **July 29, 2023**, or 14 days after Defendants issue their final responses to Plaintiff.

Dated: May 30, 2023
New York, New York

SO ORDERED.

HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE