U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

July 28, 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, 5 U.S.C. § 552.

I write respectfully to provide a status update pursuant to the Court's order dated May 30, 2023. *See* Dkt. No. 33. Since the last status update, one of the Agencies has completed its production of records that were subject to consultations, while two of the 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) State: Since Defendants' previous status update, State made two productions, one on May 31 and one on June 14, and has now completed its processing of records subject to consultations.

(2) DHS: On July 25, 2023, DHS issued an interim response and accompanying production of 3 pages returned from consultations. After the most recent interim production, DHS has 15 remaining pages pending consultation with three separate agencies. DHS continues to follow up on these consultations regularly and intends to issue a response to Plaintiff within 14 days of receiving the relevant consultation responses.

(3) ODNI: Seven responsive records that ODNI sent out for consultation to other agencies have not yet been returned. ODNI continues to follow up on these consultations regularly and intends to issue a response to Plaintiff within 14 days of receiving the relevant consultation responses.

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

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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 **September 29, 2023**, or 14 days after Defendants issue their final responses to Plaintiff.

Dated: July 31, 2023
New York, New York

SO ORDERED.

Katherine Polk Failla

HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE