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**Via ECF and Electronic Mail**

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

Re: *Knight First Amendment Institute at Columbia University v. Centers for Disease Control and Prevention and U.S. Department of Health and Human Services*, 20 Civ. 2761 (AT)

Dear Judge Torres,

Pursuant to the Court's September 9, 2022 Order, Plaintiff the Knight First Amendment Institute at Columbia University (the "Knight Institute" or "Plaintiff") and Defendants the Centers for Disease Control and Prevention ("CDC") and the U.S. Department of Health and Human Services (collectively with the CDC, the "Defendants") jointly submit this letter to inform the Court that the parties have reached an agreement regarding Defendants' new search, and to respectfully request a short extension of time to provide the Court with a further update regarding CDC's processing of the search results. *See* ECF No. 79.[1]

As detailed in prior correspondence, the only remaining issue regarding the Knight Institute's FOIA request is the scope of CDC's new search for records responsive to parts one and two of the FOIA request. *See, e.g.*, ECF No. 78. The Court's September 9, 2022 Order rejected both parties' proposals regarding new searches and directed the parties to "engage in a

[1] On September 17, 2021, the Court issued a memorandum and order pertaining to the parties' cross-motions for summary judgment, in which the Court, among other things, directed the CDC to "conduct a new search for documents responsive to requests one and two" of the FOIA request that is the subject of this litigation. *See* ECF No. 54 at 36; *see also id.* at 6-17.

good faith effort to agree to search terms, initial custodians for the search, and a reasonable timeline for the CDC's production." ECF No. 79. The Court ordered the parties to meet and confer by September 30, 2022, and to "file a joint submission setting forth their respective positions within seven days of their meeting." ECF No. 79.

Consistent with the Court's Order, counsel met and conferred on September 30, 2022, and have been in discussions throughout this week, regarding new searches for parts one and two of the Knight Institute's FOIA request. The parties have reached an agreement on additional searches and custodians, which are detailed in the attached appendix.

CDC is presently working on obtaining a total page count for the search results, which will help inform a discussion regarding a processing rate. To allow CDC the ability to obtain the total page count volume of materials that will need to be processed, as well as provide the parties with an opportunity to attempt to reach a resolution on a processing rate and production schedule, the parties respectfully seek a short extension, until October 21, 2022, to provide the Court with a further status update on these outstanding issues, as well as a proposal for a processing and production schedule or a submission setting forth their respective positions on a schedule. This is the parties' first request for an extension of this deadline.

The parties thank the Court for its consideration of this submission.

GRANTED.

SO ORDERED.

Dated: October 11, 2022
New York, New York

ANALISA TORRES
United States District Judge