



U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

February 18, 2021

By ECF

The Honorable Edgardo Ramos
United States District Judge
40 Foley Square
New York, NY 10007

Re: *ACLU v. DOD*, 17 Civ. 9972 (ER)
New York Times Co. v. DOD, 20 Civ. 43 (ER)

Dear Judge Ramos:

On behalf of the defendants in the above-captioned actions brought under the Freedom of Information Act (“FOIA”), and with plaintiffs’ consent, we write respectfully to request a further extension of sixty days of the government’s deadline to file its second motion for summary judgment from February 22, 2021, to April 23, 2021, and a corresponding extension of the remaining deadlines in the briefing schedule.

On December 4, 2020, the parties jointly proposed a schedule under which the government would file a second consolidated motion for summary judgment by January 19, 2021. The Court so-ordered the proposed schedule on December 7, 2020. On January 15, 2021, the government moved, with plaintiffs’ consent, for a thirty-day extension of this motion deadline to February 22, 2021, and the Court granted the government’s motion. This is the government’s second request for an extension of its deadline to file a second motion for summary judgment.

The additional time is requested to allow the new administration to continue to consider its position in these cases. The administration has been actively considering this matter, but additional time is need to complete inter-agency deliberations and consultations with relevant stakeholders. Plaintiffs have kindly consented to the requested extension.

If the Court grants the requested extension, the revised briefing schedule would be as follows:

Government’s consolidated motion due: April 23, 2021

Plaintiffs’ oppositions and cross-motions due: May 21, 2021

Government’s consolidated opposition and reply due: June 18, 2021

Plaintiffs’ replies due: July 9, 2021.

In accordance with the Court's individual rules, a proposed Revised Scheduling Order is enclosed.

We thank the Court for its consideration of this request.

Respectfully submitted,

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Encl.