



**U.S. Department of Justice**

*United States Attorney  
Southern District of New York*

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*86 Chambers Street, 3rd floor  
New York, New York 10007*

January 19, 2018

**BY ECF**

The Honorable P. Kevin Castel  
United States District Judge  
United States Courthouse  
500 Pearl Street  
New York, New York 10007

Re: *New York Times Co. v. U.S. Dep't of Justice*,  
No. 17 Civ. 1946 (PKC)

Dear Judge Castel:

We write respectfully on behalf of the parties in the above-referenced matter in order to provide a joint status report, pursuant to the Court's Order dated November 15, 2017 (Dkt. No. 18). The parties last submitted a status report on November 15, 2017 (Dkt. No. 17), stating that the parties had agreed that the Government would provide further responses to Plaintiffs' FOIA requests on December 15, 2017, and January 15, 2018, and would also provide Plaintiffs with FOIA responses made in other litigations that are also responsive to the FOIA requests in this matter. Since November 15, 2017, the Government did provide two further responses to Plaintiffs' requests, and also provided the relevant FOIA responses made in other litigations. Moreover, the parties have conferred further regarding a plan for moving forward.

Per these discussions, the parties have reached additional agreements and jointly and respectfully request the Court's endorsement of the following:

- (1) By March 5, 2018, the Government will provide Plaintiffs with an "index" of all documents in the Government's production set (defined as responsive documents located via reasonable searches, subject to production and processing agreements previously reached by the parties) that have not yet been processed for release by the Government. The parties agree that the Government will endeavor to prepare and provide this index with the understanding that Plaintiffs will use it in order to make a good faith effort to limit the scope of any further document processing. The index will include the following information regarding each document:

- a. Date

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- b. Type of document (*e.g.*, email, research memorandum, opinion, etc.)
- c. Designation of the document as intra-agency, inter-agency, or external
- d. Name of the persons sending or receiving the document or otherwise mentioned in the document (subject to appropriate withholding per FOIA exemptions, including but not limited to Exemptions 6 or 7(C))
- e. Description of the topic of the document, with the Government agreeing to provide, in good faith, as much specificity as possible subject to the appropriate application of FOIA exemptions.

(2) Following the Government's provision of the index, the parties will promptly confer regarding the possible limitation of the scope of any further document processing, and a plan for moving forward.

(3) The parties will submit an additional status report to the Court on March 20, 2018.

Furthermore, the parties note that a court conference is scheduled in this matter for **January 23, 2018, at 10:30 a.m.** (Dkt. No. 18). Given the parties' agreements and the continuing progress of the case, the parties jointly and respectfully request that the January 23 conference be adjourned to a date subsequent to March 20, 2018.

We thank the Court for its consideration of this matter.

Respectfully,  
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cc (via ECF): All counsel of record