

U.S. Department of Justice



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CHAMBERS OF COLLEEN McMAHON

United States Attorney
Southern District of New York

46 Chambers Street
New York, New York 10007

October 1, 2012

MEMO ENDORSED

OK
Colleen Mc Mahon
10/2/12

BY FACSIMILE

Hon. Colleen McMahon
United States District Judge
United States Courthouse
500 Pearl Street, Room 1350
New York, New York 10007

Re: New York Times v. Department of Justice
11 Civ. 9336 (CM)

ACLU v. Department of Justice
12 Civ. 794 (CM)

Dear Judge McMahon:

I write respectfully on behalf of defendants in the above-referenced cases (the "Government") to request an unopposed extension of time, until October 10, 2012, for the parties to submit simultaneous supplemental letter briefs addressing the Second Circuit's recent decision in *Brennan Center v. Department of Justice*, No. 11-4599 (2d Cir. Sept. 20, 2012). By letter dated September 21, 2012, and endorsed by this Court, the parties in the *New York Times* case jointly requested an opportunity to submit such letters by October 1. The additional time is needed to ensure that the letter we submit be fully considered and authorized by the appropriate Government entities, including by the Office of the Solicitor General. In addition, the Government respectfully requests that the Court accept letters of up to five pages, rather than the three pages initially requested.

This is the Government's first request for an extension of time to submit a letter addressing *Brennan Center*. Counsel for the *New York Times* plaintiffs consents to the Government's request. I thank the Court for its consideration of this application.

Respectfully,

STUART DELERY
Acting Assistant Attorney General

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By:

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