


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
UNITED STATES COURTHOUSE
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CHAMBERS OF
COLLEEN MCMAHON
UNITED STATES DISTRICT JUDGE

TO ALL COUNSEL IN: *New York Times v. Department of Justice* (11 Civ. 9336)
ACLU v. Department of Justice (12 Civ. 794)

FROM: Judge McMahon 

RE: Scheduling

DATE: September 5, 2014

Counsel:

I have begun work on carrying out the first mandate received from the Court of Appeals, relating to Item (3) of that court's Conclusion. I hope to have a decision well before the end of the month.

Meanwhile, I have received a second mandate, this one relating to Item (5) of the Court's conclusion, which directs the production of *Vaughn* indices by the Department of Defense and the Central Intelligence Agency for *in camera* inspection. I expect to receive said *Vaughn* indices by September 25, 2014, together with any affidavits or briefs the agencies wish to file concerning the protectability or disclosability of particular listings on these indices.

Finally, to the extent that the plaintiffs seek the production of any documents on the OLC *Vaughn* Index that was ordered to be disclosed in redacted form (See Item (2) of the Second Circuit's Conclusion), they must file a request for production, specifying the identifying number of each item they wish disclosed, by September 19, 2014. The Government may have until October 3, 2014 to provide the court with affidavits and briefs explaining, on a document-by-document basis, (i) why that document is exempt from disclosure; (ii) why there has been no waiver or that exemption; and (ii) what would have to be redacted from a document were either the Government or the court to conclude that disclosure was otherwise appropriate.


U.S.D.J.

BY ECF TO ALL COUNSEL