



**David McCraw**  
Vice President and  
Assistant General Counsel

620 8<sup>th</sup> Avenue  
New York, NY 10018

tel 212.556-4031  
fax 212.556-4634  
mccraw@nytimes.com

January 21, 2013

**VIA ECF**

Hon. Catherine O'Hagan Wolfe  
Clerk of the Court  
U.S. Court of Appeals for the Second Circuit  
Thurgood Marshall United States Courthouse  
40 Centre St.  
New York, New York 10007-1312

Re: New York Times Co. v. U.S. Dep't of Justice (No. 13-422, 13-445)

Dear Ms. Wolfe:

Plaintiffs—Appellants the New York Times Company, Charlie Savage, and Scott Shane write in response to the Government's Rule 28(j) letter, filed January 10, 2014, regarding the D.C. Circuit's decision in *Electronic Frontier Foundation v. DOJ*, No. 12-5363, 2014 WL 25916 (D.C. Cir. Jan. 3, 2014) ("EFF"). In its letter, the Government highlights select portions of the EFF decision in a way that misrepresents the D.C. Circuit's holding on the "working law" doctrine. We respectfully refer the Court to the letter of the ACLU Plaintiffs, filed January 17, 2014 in the consolidated action, which sets forth our specific objections to the Government's letter.

Respectfully submitted,

/s/ David E. McCraw