



United States Attorney  
Southern District of New York

86 Chambers Street  
New York, New York 10007

June 17, 2016

Hon. Colleen McMahon  
United States District Judge  
Daniel P. Moynihan United States Courthouse  
500 Pearl Street, Room 1640  
New York, NY 10007

Re: *ACLU v. Department of Justice*, 15 Civ. 1954 (CM)

Dear Judge McMahon:

We write respectfully on behalf of all parties to this action. The parties have conferred with respect to parts (3) and (4) of the ACLU's FOIA request at issue in this case. The Court earlier stayed proceedings on those portions of the request due to their overlapping nature with requests being litigated in the D.C. Circuit. *See* Order at 2 (July 9, 2015). After the D.C. Circuit issued its decision, *see ACLU v. DOJ, et al.*, No. 15-5217 (D.C. Cir. Apr. 21, 2016) (per curiam), the government represented that it would confer with the ACLU as to appropriate next steps.

The ACLU has requested, and the government has agreed, that the ACLU be permitted to defer deciding on whether to proceed with parts (3) and (4) of the request until (i) the Court has issued its ruling on parts (1) and (2), and (ii) the government has released the casualty numbers that it is planning to release. *See* Remarks by Lisa O. Monaco, Assistant to the President for Homeland Security and Counterterrorism, at the Council on Foreign Relations, March 7, 2016 (<https://www.whitehouse.gov/the-press-office/2016/03/07/remarks-lisa-o-monaco-council-foreign-relations-kenneth-moskow-memorial>) (“[I]n the coming weeks, the Administration will publicly release an assessment of combatant and non-combatant casualties resulting from strikes taken outside areas of active hostilities since 2009”). The parties propose that they report back to the Court within two weeks after the later of (i) and (ii) above.

Respectfully,

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