

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 12/9/11

Pauley, J.

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

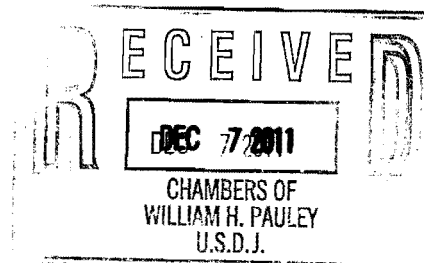
AMERICAN CIVIL LIBERTIES UNION,  
AMERICAN CIVIL LIBERTIES UNION  
FOUNDATION,

*Plaintiffs,*

v.

FEDERAL BUREAU OF INVESTIGATION,  
UNITED STATES DEPARTMENT OF JUSTICE,

*Defendants.*



ECF Case

11 Civ. 7562 (WHP)

**STIPULATION AND ORDER  
REGARDING FOIA REQUEST**

**SO ORDERED:**

*[Signature]*  
WILLIAM H. PAULEY III U.S.D.J.

12/9/11

Plaintiffs the American Civil Liberties Union and the American Civil Liberties Union Foundation ("Plaintiffs") and Defendants Federal Bureau of Investigation and United States Department of Justice hereby stipulate to the following regarding Plaintiffs' request made pursuant to the Freedom of Information Act ("FOIA"), dated May 31, 2011 (the "FOIA Request"), and the subject of the above-captioned action:

1. The FOIA Request is limited to documents memorializing the following:
  - a. Legal opinions or memoranda concerning or interpreting Section 215 of the USA PATRIOT Act ("Section 215");
  - b. Guidelines for government personnel regarding the use of Section 215;
  - c. Reports provided to Congress by the Federal Bureau of Investigation or Department of Justice concerning or memorializing the Executive Branch's interpretation or use of Section 215;
  - d. Rulings, opinions or memoranda of the Foreign Intelligence Surveillance Court ("FISC") concerning or interpreting Section 215; and

- e. Legal opinions or memoranda concerning or interpreting rulings, opinions, or memoranda of the FISC interpreting Section 215.
2. Drafts of documents listed in Paragraph 1 are excluded from the FOIA Request.
3. Acquisition applications or supporting documentation submitted to the FISC are excluded from the FOIA Request.
4. Electronic mail messages are excluded from the FOIA Request.
5. With respect to the Office of Legal Counsel ("OLC"), the FOIA Request is limited to OLC legal opinions and memoranda concerning or interpreting Section 215.
6. Records located with or in the possession of the Department of Justice Office of Public Affairs are excluded from the FOIA Request.
7. On or before March 15, 2012, Defendants will process and produce to Plaintiffs any responsive documents, or notify Plaintiffs of the complete or partial withholding of such documents, if any, pursuant to any applicable FOIA exemptions.
8. Within 21 days of the completion of the productions and notifications set forth in Paragraph 7, above, the parties will meet and confer regarding the documents withheld in whole or in part by Defendants, and Plaintiffs will notify Defendants whether they wish to object to any of the withholdings. In the event Plaintiffs object, the parties will discuss a scheduling order for whether, how, or when Defendants will provide an index of partially or completely withheld documents pursuant to *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973).

Dated: New York, New York  
December 7, 2011

AMERICAN CIVIL LIBERTIES  
UNION FOUNDATION  
Attorney for Plaintiffs

By: 

Charles A. Sims  
Richard Haddad  
PROSKAUER ROSE  
Eleven Times Square  
New York, New York 10036  
Tel.: (212) 969-3549  
Fax: (212) 969-2900  
Email: csims@proskauer.com  
rhaddad@proskauer.com

Dated: New York, New York  
December 7, 2011

PREET BHARARA  
United States Attorney for the  
Southern District of New York  
Attorney for Defendants

By: 

JOHN D. CLOPPER  
Assistant United States Attorney  
86 Chambers Street  
New York, New York 10007  
Tel.: (212) 637-2716  
Fax: (212) 637-0033  
Email: john.clopper@usdoj.gov

SO ORDERED.

Dated: New York, New York  
\_\_\_\_\_, 2011

\_\_\_\_\_  
WILLIAM H. PAULEY, U.S.D.J.

