UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

THE NEW YORK TIMES COMPANY,
Plaintiff,

-v-

FEDERAL BUREAU OF INVESTIGATION,
Defendant.

22-CV-3590 (JPO)

REDACTED
OPINION AND ORDER

J. PAUL OETKEN, District Judge:

This case involves a request under the Freedom of Information Act ("FOIA") filed with the Federal Bureau of Investigation ("FBI") by the New York Times Company ("the Times"). The FOIA request sought a copy of a report from the FBI's Behavioral Analysis Unit ("BAU") on the phenomenon known as "Havana Syndrome." The parties previously cross-moved for summary judgment. In August 2023, the Court denied the respective motions without prejudice to renewal and ordered the FBI to produce the BAU Report ("Report") for *in camera* review. *N.Y. Times Co. v. Fed. Bureau of Investigation* (*N.Y. Times I*), No. 22-CV-3590, 2023 WL 5098071 (S.D.N.Y. Aug. 9, 2023) (ECF No. 39). After reviewing the Report in light of the FOIA exemptions claimed by the FBI, the Court granted in part and denied in part the respective motions in January 2024. *N.Y. Times Co. v. Fed. Bureau of Investigation* (*N.Y. Times II*), No. 22-CV-3590, 2024 WL 325273 (S.D.N.Y. Jan. 29, 2024) (ECF No. 44). The FBI has filed this motion for partial reconsideration of that decision with respect to three categories of information that the Court determined were not exempt under FOIA Exemption 7(E). (ECF No. 50; ECF No. 51 at 2.) For the reasons that follow, the FBI's motion for reconsideration is granted in part.

I. Legal Standard

"A motion for reconsideration is an extraordinary remedy to be employed sparingly in the interests of finality and conservation of scarce judicial resources." *Drapkin v. Mafco Consol. Grp., Inc.*, 818 F. Supp. 2d 678, 695 (S.D.N.Y. 2011) (internal quotation marks and citation omitted). To prevail, the movant must demonstrate either "[1] an intervening change of controlling law, [2] the availability of new evidence, or [3] the need to correct a clear error or prevent manifest injustice." *Kolel Beth Yechiel Mechil of Tartikov, Inc. v. YLL Irrevocable Trust*, 729 F.3d 99, 104 (2d Cir. 2013) (internal quotation marks and citation omitted). A motion for reconsideration will "generally be denied unless the moving party can point to controlling decisions or data that the court overlooked—matters, in other words, that might reasonably be expected to alter the conclusion reached by the court." *Shrader v. CSX Transp., Inc.*, 70 F.3d 255, 257 (2d Cir. 1995).

II. Discussion

Although the FBI invoked FOIA Exemption 7(E) to withhold the entire Report, the FBI is not seeking reconsideration of all of the portions of the Report that the Court determined were not exempt from disclosure. While reserving the right to appeal the Court's Order in its entirety, the FBI focuses its motion on specific passages the Court ordered disclosed that fall into three categories: (1) information the Court identified as "describing the BAU's reliance on interview transcripts," *N.Y. Times II*, 2024 WL 325273, at *4 (ECF No. 44 at 7); (2) information the Court identified as "factual background of the investigation and its conclusions," *id.* (ECF No. 44 at 8); and (3) the name of a non-governmental FBI partner. The Court addresses each of these categories of information in turn.

A. Information Describing the BAU's Reliance on Interview Transcripts

The FBI seeks reconsideration of the Court's decision to order disclosure of information in the Report describing the BAU's reliance on interview transcripts.[1] The FBI argues that "the Court overlooked clear Second Circuit case law requiring *official* disclosure of the specific information at issue to vitiate a FOIA exemption." (ECF No. 51 at 6.) The FBI also contends that the Court's determination that disclosure of this information would not create a risk of harm is clearly erroneous. (*Id*. at 10-12.) Because the Court's Opinion did not expressly discuss the line of cases cited by the FBI, and in light of the broader law enforcement and national security interests at stake in this case, the Court grants reconsideration in order to explain why the FBI's application of the relevant case law is erroneous and risks vitiating the FOIA statute's "general philosophy of full agency disclosure unless information is exempted under clearly delineated statutory language." *Dep't of Air Force v. Rose*, 425 U.S. 352, 360-61 (1976) (internal quotation marks and citation omitted).

Under Exemption 7(E), agencies may withhold records compiled for law enforcement purposes that "would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of law." 5 U.S.C. § 552(b)(7)(E). Within this Circuit, courts have applied Exemption 7(E) to "investigative techniques not generally known to the public," *ACLU v. Dep't of Just*., No. 12-CV-7412, 2014 WL 956303, at *7 (S.D.N.Y. Mar. 11, 2014), as well as to techniques whose use or application in

---

[1] The specific passages the FBI cites as falling into this category of information are: page 0, sentence 8; page 5, first full paragraph, sentence 1, words 13-23; page 5, first full paragraph, sentence 8; page 5, first full paragraph, sentence 10, words 1-14. (ECF No. 51 at 12.) The Court uses the Report's internal pagination, which begins on page 0.

specific circumstances is not generally known to the public, *see N.Y. C.L. Union v. Dep't of Homeland Sec.*, 771 F. Supp. 2d 289, 292-93 (S.D.N.Y. 2011).

Based on this precedent, the Court concluded that the FBI improperly invoked Exemption 7(E) to withhold certain passages in the Report that described the BAU's reliance on interview transcripts. "Specifically, the public has known, since the publication of an article in *The New Yorker* in 2021, that the BAU relied on transcripts of previous FBI interviews with patients, rather than direct interviews, to conduct its Havana Syndrome analysis." *N.Y. Times II*, 2024 WL 325273, at *4 (ECF No. 44 at 7). Based on its *in camera* review, the Court ordered the disclosure of portions of the Report describing the BAU's reliance on interview transcripts that it determined were segregable from the Report's descriptions of other investigative techniques that are not generally known to the public. *Id.*

The FBI contends that the Court overlooked clear Second Circuit case law on the doctrine of official acknowledgment when it relied on public reporting, rather than an official disclosure, to conclude that the FBI improperly invoked Exemption 7(E). (ECF No. 51 at 6-7.) This argument fails, however, because it "import[s] the waiver standard of official disclosure into Exemption 7(E)" and thereby "conflates two distinct legal doctrines." *Schwartz v. U.S. Drug Enf't Admin.*, No. 13-CV-5004, 2016 WL 154089, at *11 (E.D.N.Y. Jan. 12, 2016), *aff'd*, 692 F. App'x 73 (2d Cir. 2017) (summary order). The official disclosure doctrine applies in the context of the waiver of FOIA exemptions. That is to say, "when information has been 'officially acknowledged,' its disclosure may be compelled even over an agency's *otherwise valid* exemption claim." *Wolf v. CIA*, 473 F.3d 370, 378 (D.C. Cir. 2007) (quoting *Fitzgibbon v. CIA*, 911 F.2d 755, 765 (D.C. Cir. 1990) (emphasis added)). The official disclosure doctrine does not apply, however, in the context of determining *whether* a claimed FOIA exemption is valid.

Schwartz, 2016 WL 154089, at *12. "Exemption 7(E) does not justify withholding publicly known information about techniques and procedures simply because such information has not been officially acknowledged. To the contrary, the cases interpreting Exemption 7(E) have required that such information be disclosed without considering whether it became public through official channels." *Id.* (collecting cases).

The Second Circuit precedent cited by the FBI in support of its argument involved the application of the official disclosure doctrine to the question of whether an agency had waived a FOIA exemption—not to whether an agency had properly invoked an exemption. *See Osen LLC v. U.S. Cent. Command*, 969 F.3d 102, 107-110 (2d Cir. 2020) (applying the official disclosure doctrine to determine whether an agency had waived its right to invoke Exemption 1); *N.Y. Times v. CIA*, 965 F.3d 109, 115-122 (2d Cir. 2020) (applying the official disclosure doctrine to determine whether an agency had waived its right to invoke Exemptions 1 and 3).[2] Indeed, in *Osen*, the Second Circuit expressly held that "[r]esolution of [the plaintiff's] claim of waiver does not bear on the question of whether [the agency] properly invoked Exemption 1." 909 F.3d at 114. Given this clear Second Circuit precedent, it is a *non sequitur* for the Government to invoke the official disclosure doctrine in FOIA cases where waiver is not an issue.

The Supreme Court precedent cited by the FBI is a state secrets case—not a FOIA case—in which the Court cited FOIA doctrine as "only an (imperfect) analogy." *United States v. Zubaydah*, 595 U.S. 195, 210 (2022). But the Supreme Court, unlike the FBI, correctly stated the relevant FOIA law: "[I]f there has been an 'official acknowledgement' then the agency must disclose the information despite the exemption. If the agency has not officially acknowledged

[2] The other Second Circuit case that the FBI cites involved the application of the official disclosure doctrine in non-FOIA context. *See Wilson v. CIA*, 586 F.3d 171 (2d Cir. 2009) (First Amendment).

the information, however, then it may withhold the information (under an applicable exemption) despite the fact that the information has become public." *Id*. (internal citations omitted). The Supreme Court's dicta in *Zubaydah*—that in the absence of an official acknowledgment, an agency may withhold information if an exemption applies—is entirely consistent with this Court's understanding of Second Circuit holdings: An official acknowledgement waives an agency's right to claim an otherwise valid FOIA exemption, but the absence of an official acknowledgement is irrelevant to whether a FOIA exemption is valid. The FBI's position would burden plaintiffs with an extra-textual and unlawful requirement and undermine the "dominant objective" of FOIA, which is "disclosure, not secrecy." *Dep't of Air Force*, 425 U.S. at 361.

In this case, the Court did not conclude—and need not have concluded—that the reporting in *The New Yorker* had the effect of waiving the FBI's right to invoke Exemption 7(E). Rather, the Court concluded that the public reporting on the BAU's reliance on interview transcripts to conduct its analysis undermined the FBI's argument that the techniques at issue were not known to the public. *N.Y. Times II*, 2024 WL 325273, at *4 (ECF No. 44 at 7-8). Accordingly, the Court determined that the FBI failed to sustain its burden of "demonstrat[ing] logically how the release of the requested information might create a risk of circumvention of the law." *Brennan Ctr. for Just. at N.Y. Univ. Sch. of L. v. Dep't of Homeland Sec*., 331 F. Supp. 3d 74, 98-99 (S.D.N.Y. 2018) (quoting *Blackwell v. Fed. Bureau of Investigation*, 646 F.3d 37, 42 (D.C. Cir. 2011)).

The FBI offers two additional arguments to justify withholding the specific passages at issue. Neither is persuasive. First, the FBI argues that disclosure would create a risk of circumvention of law because "foreign governments are more likely to take action in response to an official disclosure" than unconfirmed reporting. (ECF No. 51 at 11-12.) But the concern in

the cases cited by the FBI in support of this proposition is different from the harm that the FBI asserts would result from disclosure in this case. In *Wilson*, the Second Circuit observed: "As a practical matter, foreign governments can often ignore unofficial disclosures of CIA activities that might be viewed as embarrassing or harmful to their interests. They cannot, however, so easily cast a blind eye on official disclosures made by the CIA itself, and they may, in fact, feel compelled to retaliate." 586 F.3d at 186 (internal citations omitted). In other words, the absence of official disclosure often gives foreign governments plausible deniability not to act in response to potentially embarrassing—but unofficial—revelations. Here, the FBI's concern is not with a disclosure that could be perceived as potentially embarrassing or harmful to a foreign government's interests and therefore might increase the risk of retaliation. Rather, the FBI asserts that disclosure [REDACTED] But the FBI has failed to demonstrate logically how the official disclosure of information that has already been widely disseminated in public reporting would lead to such a result. Even assuming, arguendo, that information about the BAU's reliance on interview transcripts [REDACTED], the FBI has not offered a persuasive argument about how the official confirmation of public reporting would [REDACTED] This is not a case of official confirmation removing a foreign government's plausible deniability in the face of embarrassing or damaging revelations,

and therefore the distinction between official and unofficial disclosures does not sustain the FBI's burden here.

Second, the FBI contends that "the Court has directed the disclosure of information that is far more specific and contextual than any information contained in media reports." (ECF No. 53 ¶ 9.) Close scrutiny of the specific passages at issue, however, refutes the FBI's argument. In its motion for reconsideration, the FBI challenges the disclosure of four passages describing the BAU's reliance on interview transcripts:

- page 0, sentence 8:
- page 5, first full paragraph, sentence 1, words 13-23:
- page 5, first full paragraph, sentence 8:
- page 5, first full paragraph, sentence 10, words 1-14:

The relevant passage from *The New Yorker* article describes the BAU's analysis as follows:

A comparison between *The New Yorker* article and the four challenged passages of the Report undermines the FBI's assertions in two ways. First, the article includes far more "contextual" information than the portions of the Report at issue, as it provides a narrative context for the BAU's study that is more detailed and cohesive than the isolated portions of the Report that the Court has ordered to be disclosed. Second, the only information in the four passages at issue that is truly "more specific" than *The New Yorker* article is [redacted] [redacted] But the FBI has failed to articulate why the disclosure of this information—devoid of any additional context, such as [redacted] [redacted]—would create a risk of circumvention of the law. Indeed, recognizing the potential for related information in the Report to create such a risk, the Court's Opinion held that the FBI properly withheld, for example, information elsewhere in the Report that acknowledged that [redacted] [redacted] [redacted] [redacted] However, the FBI has failed to carry its burden of demonstrating logically how the disclosure of [redacted] [redacted] by itself would somehow [redacted] [redacted] The FBI does not claim that [redacted] is standard procedure for the BAU or that the BAU intends to use [redacted] in future investigations.

In all other significant respects, *The New Yorker* article contains the information about the BAU's reliance on interview transcripts that the FBI seeks to withhold. The passages at issue in the Report may be dressed up in social scientific language, but at most they reveal, in the

broadest of strokes, commonly used and well-known analytical techniques that are not unique to law enforcement. They certainly do not reveal the specific and detailed underlying methodologies and techniques described elsewhere in the Report that the Court has ruled were properly withheld. Once the veneer of the Report's vague social scientific language is stripped away, the Report's disclosure that [redacted] reveals no information of significance beyond the article's reporting that [redacted] The Report's disclosure that [redacted] effectively contains the same information as the article's reporting that the BAU assessment was [redacted] And the Report's disclosure that [redacted] reveals nothing more than the article's reporting that [redacted] To the extent that the Report's language adds a superficial social scientific dimension not present in *The New Yorker* article, the FBI has not sustained its burden of demonstrating logically how [redacted]—could create a risk of circumvention of the law. To put a fine point on it: these passages do not reveal any sensitive information regarding

[redacted] and therefore do not disclose investigative techniques not generally known to the public.

Accordingly, upon reconsideration, the Court reaffirms its conclusion that the FBI improperly invoked Exemption 7(E) to withhold the passages at issue describing the BAU's reliance on interview transcripts.

B. Factual Background of the Investigation and its Conclusions

The FBI also seeks reconsideration of the decision to order disclosure of information the Court identified as "factual background of the investigation and its conclusions." (ECF No. 51 at 2.)[3] The FBI contends that "[t]hese passages do not consist of segregable, non-exempt facts and findings, but rather would reveal the particular techniques and procedures the BAU applied to factual information and how the application of those techniques and procedures resulted in particular conclusions." (*Id*. at 5.) In support of its argument, the FBI has submitted a new declaration from Assistant Director Paul H. Haertel (ECF No. 52; ECF No. 53) to supplement its previous declarations from Haertel and Section Chief Michael G. Seidel (ECF No. 21; ECF No. 31; ECF No. 43-1). These previous declarations consisted largely of vague, conclusory, and boilerplate recitations of legal standards that failed to sustain the FBI's burden at the summary judgment stage.

In seeking reconsideration, the FBI does not point to any intervening changes in the law or newly discovered facts. All of the additional information in the supplemental declaration consists of facts that were previously available to the FBI but simply not presented to the Court.

[3] The specific passages the FBI identifies as falling into this category are: page 0, sentence 9, words 15-41; page 0, sentences 10-13; page 2, sentence 4; page 5, second full paragraph; page 21, paragraph 3, sentence 1, words 15-34; page 21, paragraph 4; page 22, sentence 5, words 8-48; page 22, sentences 6-8. (ECF No. 51 at 2.)

Instead, the FBI contends that reconsideration is warranted to correct clear error in the Court's decision and that the supplemental declaration is necessary to explain why the release of the specific passages the Court ordered disclosed might create a risk of circumvention of the law. (ECF No. 56 at 2-4.) Only in light of the broader interests at stake is the Court willing to grant reconsideration. As another court in this District has stated in a similar context, "the Court makes clear that this ruling should in no way be construed as approving the Government's failure to effectively support its litigation positions in its summary judgment briefing." *N.Y. Times v. Dep't of Just.*, 2023 WL 7305242, at *3 (S.D.N.Y. Nov. 6, 2023).

The Court begins its reconsideration by identifying the passages at issue that contain facts and conclusions at the highest level of generality. There are four such passages:

- page 0, sentence 9, words 15-30: [redacted]
- page 21, paragraph 3, sentence 1, words 15-34: [redacted]
- page 22, sentence 6, words 8-17: [redacted]
- page 21, paragraph 4, sentences 2, 5: [redacted]

The Court reaffirms its determination that these passages discuss the BAU investigation's facts and high-level conclusions without revealing any investigative techniques whose disclosure might create a risk of circumvention of law. The first three passages describe the Report's high-level conclusions without disclosing any sensitive information regarding how the BAU arrived at those conclusions. The fourth passage describes the BAU's conclusions regarding two potential causal mechanisms for Havana Syndrome in no greater detail than has already been publicly described in declassified and unclassified reports from the U.S. Intelligence Community.[4] And it is hardly a secret that the Intelligence Community considered multiple potential explanations for what it now terms the "anomalous health incidents" reported by U.S. Government officials. *See, e.g.*, *Complementary Efforts on Anomalous Health Incidents: Executive Summary*, Off. Dir. Nat'l Intel. (Feb. 1, 2022). (ECF No. 26-6.)

The FBI asserts that disclosure of any of these passages would "reveal the BAU's

(ECF No. 53 at 5.)

[4] *See*

[REDACTED] None of the four passages discloses the specific and detailed underlying methodologies employed in the BAU's [REDACTED] that the Court determined were properly withheld elsewhere under Exemption 7(E).

It is also important to clarify that [REDACTED] has been a publicly known and commonly used technique in law enforcement investigations for decades. At least [REDACTED] official FBI publications or communications from between [REDACTED] and [REDACTED] identify [REDACTED] as an investigative technique.[5] The Court takes judicial notice of these FBI publications and

[5] [REDACTED]

communications as official government reports and other types of government records, which are appropriate for judicial notice. *See Paskar v. City of New York*, 3 F. Supp. 3d 129, 134 (S.D.N.Y. 2014); *B.T. Produce Co. v. Robert A. Johnson Sales, Inc.*, 354 F. Supp. 2d 284, 285 (S.D.N.Y. 2004); *Massachusetts v. Westcott*, 431 U.S. 322, 323 n.3 (1977). These publications and communications specifically identify [REDACTED] as a technique used by the FBI in the investigation of violent crime,[6] homicide,[7] serial murder,[8] sexual violence and abuse,[9] sex

[REDACTED]

[6] [REDACTED]

[7] [REDACTED]

[8] [REDACTED]

[9] [REDACTED]

trafficking,[10] child abduction,[11] kidnapping,[12] arson,[13] and campus attacks.[14] Several of these publications describe in detail and with specificity how the FBI applies [REDACTED] in practice.[15] Significantly, these publications also describe [REDACTED] as a technique used in the investigation of attacks on FBI officers and other law enforcement officers[16] and as a technique that was used in the investigation of a death of an Assistant United States Attorney.[17] And in a [REDACTED] public statement, a senior FBI official also stated that the FBI employs [REDACTED] [REDACTED][18]

Not only is [REDACTED] an investigative technique that is publicly known and associated with the FBI, but it is also one that is associated with the BAU specifically. Several of these publications identify [REDACTED] as an investigative technique employed by the BAU or its predecessor, the Behavioral Science Unit (BSU), or were written by BAU or BSU officials.[19] One of the publications also describes [REDACTED] as an investigative technique that was developed and pioneered by the BSU.[20] In [REDACTED], a profiler for the FBI's National Center for the Analysis of Violent Crime, the department containing the BAU, produced a criminal

---

[10] [REDACTED]

[11] [REDACTED]

[12] [REDACTED]

[13] [REDACTED]

[14] [REDACTED]

[15] *See, e.g.*, [REDACTED]

[16] [REDACTED]

[17] [REDACTED]

[18] [REDACTED]

[19] *See, e.g.*, [REDACTED]

[20] [REDACTED]

investigative analysis for a private sector entity ([redacted]) in which he applied the technique of victimology to [redacted][21] [redacted][22] [redacted] Based on this wealth of officially disseminated information, the Court concludes that it is illogical that the disclosure that the BAU applied one of its signature techniques in the most general sense—that is, that the BAU [redacted]—might somehow [redacted] [redacted] Accordingly, the Court reaffirms that the FBI has improperly invoked Exemption 7(E) to withhold the four passages specified above. Furthermore, based on the same analysis, the Court determines that an additional related portion of the Report (page 2, paragraph 1, sentence 7), which the Court's January 2024 Opinion inadvertently ruled was exempt from withholding, was also improperly withheld under Exemption 7(E).[23]

Based on the greater detail provided in the FBI's supplemental declaration, however, the Court determines that the FBI has sustained its burden regarding the portions of the Report at issue that go beyond this highest level of generality. In particular, the Court credits the FBI's representation that the disclosure of the more specific information regarding [redacted]

---

[21] [redacted]

[22] [redacted]

[23] Due to a numbering error, the Court's January 2024 Opinion inadvertently suggested that page 2, paragraph 1, sentence 7 was properly withheld under Exemption 7(E). Footnote two of the Court's Opinion should have read, in relevant part: "In summary, the Court determines that the following portions of the Report are not exempt under FOIA Exemption 7(E): . . . page 2, paragraph 1, sentences 3-7." Page 2, paragraph 1, sentence 7 of the Report reads: [redacted] Because this sentence describes facts and conclusions without disclosing any investigative methods, the Court determines that this sentence was not properly withheld under FOIA Exemption 7(E).

[REDACTED]

[REDACTED]

[REDACTED] Therefore, upon reconsideration, the Court concludes that the portions of the Report in this category, aside from the five passages specified above, were properly withheld under Exemption 7(E).

C. The Name of a Non-Governmental FBI Partner

The Court grants reconsideration of its decision ordering the disclosure of the entirety of page 1 of the report except for the final section heading, *see N.Y. Times II*, 2024 WL 325273, at *4 n.2 (ECF No. 44 at 8 n.2), because it overlooked the reference therein to one of the FBI's non-governmental partners. Upon reconsideration, the Court agrees with the FBI that disclosure of that information would expose that entity to foreign adversaries and also potentially jeopardize the FBI's relationship with that partner. The FBI has thus carried its burden of "demonstrat[ing] logically how the release" of that information "might create a risk of circumvention of the law." *Blackwell*, 646 F.3d at 42 (internal citation and quotation marks omitted). Accordingly, the Court concludes that the FBI has properly invoked Exemption 7(E) to withhold this specific portion of the Report: page 1, sentence 1, words 44-51.

In summary, the Court determines that the following portions of the Report are not exempt under FOIA Exemption 7(E):

- page 0 (in its entirety, except for sentence 7, word 8; sentence 9, words 31-41, and sentences 10-13);
- page 1 (in its entirety, except for sentence 1, words 44-51 and the final section heading);
- page 2, paragraph 1, sentences 3, 5-7;

- page 5, first full paragraph, sentence 1, words 13-23;
- page 5, first full paragraph, sentence 8;
- page 5, first full paragraph, sentence 10, words 1-14;
- page 21, paragraph 3, sentence 1 (except for words 35-40);
- page 21, paragraph 4, sentences 2, 5;
- page 22 (in its entirety, except for paragraph 1, sentences 1-5; paragraph 1, sentence 6, words 1-7; paragraph 1, sentences 7-8; and all footnotes).

This Opinion does not affect the portions of the Report that the Court previously ruled were properly withheld under Exemption 7(C). *See N.Y. Times II*, 2024 WL 325273, at *5 (ECF No. 44 at 9-10).

III. Conclusion

For the foregoing reasons, the FBI's motion for consideration is GRANTED in part. Upon reconsideration, the Court orders the FBI to produce a copy of the Report with redactions consistent with this Opinion and Order within 30 days or, if the Government files an appeal, within 30 days of the Second Circuit's decision.

The Clerk of Court is directed to close the motion at ECF Number 50.

SO ORDERED.

Dated: August 1, 2024
New York, New York

J. PAUL OETKEN
United States District Judge