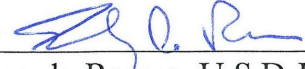


June 2, 2020

BY ECF

The Honorable Judge Edgardo Ramos
United States District Judge
Thurgood Marshall U.S. Courthouse
40 Foley Square
New York, NY 10007
Courtroom 619

The June 4 initial pretrial conference is adjourned to October 1, 2020 at 11 AM.
SO ORDERED.



Edgardo Ramos, U.S.D.J
Dated: June 2, 2020
New York, New York

MEMO ENDORSED



National Office
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(212) 549-2633
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Meagan Burrows
Staff Attorney
Reproductive
Freedom Project

Re: *American Civil Liberties Union v. United States
Department of Health and Human Services*, 1:19-civ-
00903-ER.

Dear Judge Ramos:

I write respectfully on behalf of both parties in response to this Court's February 18, 2020 Order granting the parties' previous letter motion to adjourn the initial pretrial conference in the above-captioned case to June 4, 2020. For the reasons discussed below, the parties seek further adjournment of that conference to October 1, 2020, or such other date as may be convenient to the Court. This is the parties' third request for an adjournment of the initial pretrial conference.

The above-referenced action, filed January 30, 2019, is brought by the American Civil Liberties Union ("ACLU") pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552. The ACLU seeks from the Department of Health and Human Services ("HHS") the release of documents relating to changes to the Title X family planning program since November 9, 2016, including but not limited to the Notice of Proposed Rulemaking ("NPRM") published on June 1, 2018, titled, "Compliance with Statutory Program Integrity Requirements," (RIN 0937-ZA00, Dkt. No. HHS-OS-2018-0008). *See* Ex. A to Compl., Doc. 1-1. The ACLU also seeks waiver of fees incurred in the Government's processing of the FOIA request, as well as costs and attorneys' fees.

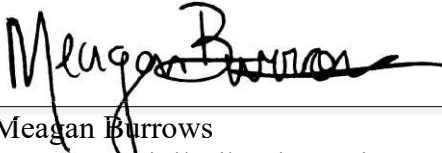
As detailed the parties' September 12, 2019 Joint Letter, Doc. 12, and February 14, 2020 Letter Motion, Doc. 14, since the Government filed its Answer in this case on March 2019, the parties have been conferring in an effort to negotiate the production of any responsive, non-exempt documents pursuant to the FOIA, as well as a target date for completion of production of said documents.

The parties are still in the process of negotiating the production of documents responsive to Plaintiff's FOIA request. As stated in the parties' February 14, 2020 letter, the Government produced responsive documents from an initial search on a rolling basis of one production each month from August 2019 through January 2020. The Government has now performed an additional search in accordance with parameters agreed to by the parties, and is currently determining the page count of the search, which will dictate the production schedule.¹

The requested adjournment of the initial case conference to October 1, 2020 will allow the parties sufficient time to determine whether further litigation is necessary and, if so, what steps must be taken. On the one hand, the Government's timely production of documents and agreement to continue timely producing materials responsive to the ACLU's October 2018 FOIA request may dispose of the substance of this action. But in the event that the parties are unable to reach an agreement on a production schedule and deadline for the production of additional responsive documents, or if the Government fails to timely produce responsive documents pursuant to further agreements reached following negotiations, or timely produces documents but makes redactions or withholdings disputed by the ACLU, or the parties are unable to reach an agreement on attorneys' fees and costs, the parties will be in a position to schedule dates for production or motion practice, as appropriate, with the Court at an initial pretrial conference.

The parties thank the Court for its consideration of this matter.

Respectfully



Meagan Burrows
American Civil Liberties Union
Reproductive Freedom Project
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¹ In negotiating the parameters of this search with Plaintiff, the Government also reserved the right to propose changes to the parameters of the search depending on the volume of results.

