



*United States Attorney
Southern District of New York*

86 Chambers Street
New York, New York 10007

September 26, 2013

By ECF and Hand

Hon. William H. Pauley, III
United States District Judge
United States Courthouse
500 Pearl Street
New York, NY 10007

Re: *ACLU et al. v. Clapper et al.*, 13 Civ. 3994 (WHP)

Dear Judge Pauley:

I write respectfully with plaintiffs' consent to request a short extension of the parties' deadline for filing oppositions to, respectively, plaintiffs' motion to for a preliminary injunction and defendants' motion to dismiss. This request is made on defendants' behalf and with plaintiffs' gracious consent because, as we were finalizing our papers for filing this evening, we were made aware of an issue that requires us to make additional factual inquiries before filing our papers. Plaintiffs were prepared to file this evening, but the parties agree that fairness will best be served by keeping their respective submissions simultaneous.

The requested extension is from today, September 26, to next Tuesday, October 1, 2013. We likewise request a corresponding extension of the parties' deadlines for submitting reply papers, from Thursday, October 10, 2013, to Tuesday, October 15, 2013.

I apologize for the last-minute nature of this request. We anticipated making a timely filing this evening until, at approximately 7:00 p.m., we were made aware of one factual issue that needs to be explored before we will be in a position to finalize our papers, including supporting declarations. We further respectfully request that, due to the unanticipated and late-arising reason for this request, the Court excuse any lack of timeliness in this submission.

I attach a proposed revised scheduling order. Thank you for your consideration.

Respectfully submitted,

PREET BHARARA
United States Attorney

By: /s/ David S. Jones
DAVID S. JONES
Assistant United States Attorney
Tel.: 212-637-2739/2746
Fax: 212-637-2730
Email: david.jones6@usdoj.gov

cc: Arthur N. Eisenberg, Esq. (aeisenberg@nyclu.org); Jameel Jaffer, Esq. (jjaffer@aclu.org)