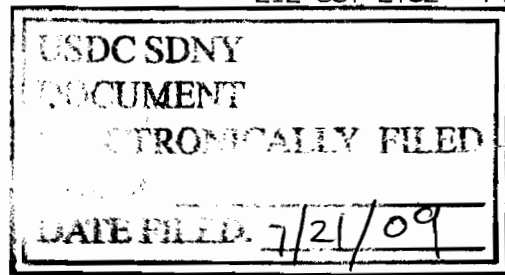


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



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AMERICAN CIVIL LIBERTIES UNION, et al., :
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 : Plaintiffs, :
 :
 : v. :
 :
 : DEPARTMENT OF DEFENSE, et al., :
 :
 : Defendants. :
-----X

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04 Civ. 4151 (AKH)

-----X
AMERICAN CIVIL LIBERTIES UNION, at al., :
 :
 : Plaintiffs, :
 :
 : v. :
 :
 : DEPARTMENT OF JUSTICE AND ITS :
 : COMPONENT OFFICE OF LEGAL COUNSEL, :
 :
 : Defendants. :
-----X

05 Civ. 9620 (AKH)

WHEREAS, the Court held a conference on July 15, 2009 to discuss the status of the above-captioned cases under the Freedom on Information Act, 5 U.S.C. § 552 ("FOIA"), at the which time the Court reviewed a joint agenda from the parties setting forth all the matters still before the Court in these cases;

WHEREAS, at that conference, the Court established deadlines and procedures for certain of the open matters in this case;

IT IS HEREBY ORDERED, consistent with the Court's rulings at the conference,

1. As to the 319 documents of the Central Intelligence Agency ("CIA") that have been remanded to this Court from the Second Circuit, the Government shall complete its processing as to one of those documents, the CIA Office of Inspector General Report (the

"Report"), by August 24, 2009 such that, on or before that date, the Government will produce to the plaintiffs any portions of the Report that are appropriate for release under FOIA. As to the remaining 318 remanded CIA documents, the Government shall complete its processing of those documents by August 31, 2009, such that, on or before that date, the Government shall produce to the plaintiffs any portions of those 318 documents that are appropriate for release under FOIA.

2. For any information in the 319 remanded CIA documents, including the Report, that has been withheld from release, the Government shall provide a Vaughn declaration by August 31, 2009 setting forth the justification for the withholding of the information.

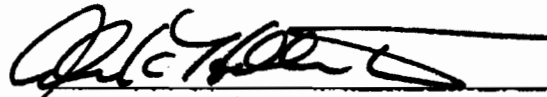
3. As to proceedings on plaintiffs' motion to hold the CIA in contempt, the Court already has set a schedule for litigating documents reflecting the contents of the destroyed videotapes of CIA of detainee interrogations (so-called "paragraph 3 documents"). See Court Order of May 7, 2009 and Court Order of April 20, 2009. As to documents relevant to the destruction of those tapes (so-called "paragraph 4 documents"), the Government has already gathered some relevant documents created during the period of April 20, 2002 through June 2003, see Court's order of July 7, 2009, and shall submit a written proposal to the Court within one week of this order for gathering any other relevant paragraph 4 documents created during this time period.

4. In addition to the paragraph 4 documents referenced above, the Government is ordered to assemble relevant paragraph 4 documents created during the period of June 1, 2005 and January 31, 2006. As the Government has informed the Court that the prosecutors in the criminal investigation will likely object to production of paragraph 4 documents created during this time period, see Court's order of July 7, 2009, at 2, the Government will notify the Court in

writing within one week of this order whether there is such an objection. Consistent with the discussion at the conference, the Special Prosecutor John Durham and the Court shall meet to discuss the status of the ongoing criminal investigation and, to the extent possible but recognizing the limitations of public disclosure (including but not limited to Fed. R. Crim. P. 6(e)), any information from that meeting that can be made public shall be put on the public record in this proceeding.

5. The parties' fourth and fifth motions for partial summary judgment shall be argued before the Court on August 20, 2009 at 3 p.m.

Dated: New York, New York
July 20, 2009


ALVIN K. HELLERSTEIN
United States District Judge