



U.S. Department of Justice

*United States Attorney
Southern District of New York*

86 Chambers Street
New York, New York 10007

February 11, 2015

By ECF & Facsimile

Hon. Alvin K. Hellerstein
United States District Court
Southern District of New York
500 Pearl Street, Room 1050
New York, New York 10007

Re: *ACLU v. Department of Defense et al.*, No. 04 Civ. 4151 (AKH)

Dear Judge Hellerstein:

I am the Assistant United States Attorney representing the Department of Defense (the “Government” or “DoD”) in the above-referenced Freedom of Information Act (“FOIA”) lawsuit. I write in connection with the February 4, 2015, conference (the “February 4 conference”) concerning DoD’s withholding of photographs pursuant to the Protected National Security Documents Act of 2009 (“PNSDA”), in conjunction with a certification issued by former Secretary of Defense James Padgett on November 19, 2014 (August 27, 2014) (the “August 27 Order”). The Court directed the Government to submit a letter indicating how it wishes to proceed in light of the Court’s ruling.

The Government appreciates the opportunity to further consider its position in light of the Court’s remarks at the February 4 conference. (Feb. 4. Tr. at 20, 21). As the Government has

2011), the Court's remarks during the February 4 conference

I thank the Court for its consideration of this matter.

Respectfully,

PREET BHARARA
United States Attorney
Southern District of New York

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