

July 9, 2026

By ECF

The Honorable Analisa Torres
United States District Judge
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, New York 10007

Re: Brennan Center for Justice at New York University School of Law v. U.S. Department of Justice, No.26-cv-05361 (AT)

Dear Judge Torres:

The parties jointly submit this letter to advise the Court that they have engaged in productive discussions regarding Plaintiff's pending motion for a preliminary injunction and have reached an agreement on a schedule governing the processing and production of records responsive to Plaintiff's Freedom of Information Act ("FOIA") requests. A Stipulation and Proposed Order (the "Stipulation") is attached. If the Court enters the Stipulation, then Plaintiff's motion for a preliminary injunction will be withdrawn without prejudice.

Following Plaintiff's filing of its motion for a preliminary injunction, the parties conferred and reached agreement regarding a schedule for Defendant's processing and production of responsive records, together with interim reporting dates and a deadline for the provision of a draft *Vaughn* index. As laid out more fully in the Stipulation, under the proposed schedule, Defendant will complete searches for the remaining¹ categories of requested records and report the results of those searches by July 31, 2026; provide interim updates regarding any consultations by August 14, 2026; complete processing and production of all reasonably segregable, non-exempt responsive records or portions of records by September 16, 2026, subject to a carve-out for consultations;² and produce a draft *Vaughn* index by September 30, 2026. The proposed Stipulation also requires the parties to submit a joint status report by September 18, 2026, advising the Court regarding the status of Defendant's production, the status of any outstanding consultations, and proposing a schedule for further proceedings.

¹ On July 6, 2026, Defendant produced 65 pages in full or in part after reviewing 76 pages of responsive records.

² Plaintiff understands, based on the parties' conferral and the nature of Plaintiff's requests, that consultation is unlikely to be a significant source of delay in this case. To the extent that responsive records have not been produced after Defendant's processing deadline because they are undergoing consultation, Plaintiff reserves the right to seek an order establishing a date certain for the production of non-exempt portions of those records.

In light of the parties' agreement, Plaintiff agrees to withdraw its pending motion for a preliminary injunction without prejudice while Defendant complies with the schedule set forth in the Stipulation. The parties respectfully request the Court so-order the attached Stipulation.

Respectfully submitted,

/s/ Daniel A. McGrath

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**THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

BRENNAN CENTER FOR JUSTICE AT
NEW YORK UNIVERSITY SCHOOL
OF LAW,

Plaintiff,

v.

Civil Action No. 26-cv-5361 (AT)

U.S. DEPARTMENT OF JUSTICE,

Defendant.

STIPULATION AND [PROPOSED] ORDER

WHEREAS, Plaintiff filed this action under the Freedom of Information Act (“FOIA”) 5 U.S.C. § 552, seeking records responsive to three FOIA requests submitted to the Department of Justice Civil Rights Division;

WHEREAS, Plaintiff has filed a motion for a preliminary injunction seeking expedited processing and production of responsive records;

WHEREAS, the parties have conferred regarding a processing schedule and wish to avoid further litigation over Plaintiff’s pending motion while Defendant processes Plaintiff’s FOIA requests;

IT IS HEREBY STIPULATED AND AGREED, by and between the parties, through their undersigned counsel, as follows:

1. Defendant shall, on or before July 31, 2026, complete searches for records responsive to Plaintiff’s requests and notify Plaintiff of the approximate number of potentially responsive records identified through those searches.

2. Defendant shall use reasonable best efforts to identify, initiate, and prioritize any consultations that may be necessary to process responsive records sufficiently in advance of the notification and production deadlines set forth below.
3. Defendant shall, by August 14, 2026, notify Plaintiff: whether any responsive records have been sent for consultation; the executive branch components to which any such records have been referred for consultation, unless that fact is exempt under FOIA; the approximate number of pages of records sent for consultation to each component; and the status of those consultations.
4. Subject to paragraph 5, Defendant shall complete processing and produce all responsive, reasonably segregable, non-exempt records or portions of records on or before September 16, 2026 (the “CRT Processing Deadline”).
5. If, at any time before the CRT Processing Deadline, Defendant reasonably believes that any consultations with other executive branch agencies or components may not be complete by the CRT Processing Deadline, Defendant shall promptly notify Plaintiff and explain the basis for that belief. To the extent that any consultations remain pending as of the CRT Processing Deadline, Defendant will comply with paragraph 4 for those records not subject to consultation, and the parties will confer about next steps.
6. On or before September 18, 2026, the parties shall file a joint status report advising the Court regarding the status of Defendant’s production, the status of any outstanding consultations, and proposing a schedule for further proceedings.
7. Subject to paragraphs 4 and 5, on or before September 30, 2026, Defendant shall provide to Plaintiff a draft *Vaughn* index identifying each record or portion thereof

- withheld in whole or in part, the exemption(s) asserted, and a description sufficient to permit Plaintiff to assess the basis for each withholding. The draft *Vaughn* index shall not be admissible for any purpose in this or any other litigation, and to the extent the parties litigate any issues about exemptions, Defendant shall be entitled to revise the draft *Vaughn* index for litigation.
8. Subject to paragraph 9, Plaintiff's pending motion for a preliminary injunction is withdrawn without prejudice.
 9. If Defendant fails to comply with any deadline set forth herein, or if the parties are unable to resolve any dispute concerning Defendant's compliance with this Order, Plaintiff reserves all rights to seek appropriate relief from the Court, including restoration of its motion for a preliminary injunction or such other relief as may be appropriate. Defendant reserves all rights to oppose any such request.
 10. Nothing in this Stipulation shall be construed as a waiver of any argument, claim, defense, exemption, or privilege available to either party, except as expressly set forth herein.

Date: Washington, DC
July 9, 2026

/s/ Daniel A. McGrath
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Date: New York, NY
July 9, 2026

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SO ORDERED.

Dated: _____

HON. ANALISA TORRES
U.S. District Judge