

UNITED STATES COURT OF APPEALS

FOR THE SECOND CIRCUIT

At a stated Term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 10<sup>th</sup> day of June, two thousand fourteen.

PRESENT:

JON O. NEWMAN,  
JOSÉ A. CABRANES,  
ROSEMARY S. POOLER,  
*Circuit Judges.*

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THE NEW YORK TIMES COMPANY, CHARLIE SAVAGE,  
SCOTT SHANE, AMERICAN CIVIL LIBERTIES UNION,  
AMERICAN CIVIL LIBERTIES UNION FOUNDATION,  
Plaintiffs-Appellants,

v. Docket Nos. 13-422(L), 13-445(Con)

UNITED STATES DEPARTMENT OF JUSTICE, UNITED  
STATES DEPARTMENT OF DEFENSE, CENTRAL  
INTELLIGENCE AGENCY,  
Defendants-Appellees.

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ORDER

On June 9, 2014, in connection with the Appellees' petition for rehearing, filed June 5, 2014, the Court submitted to the Appellees *ex parte* and *in camera* a proposed opinion with respect to the rehearing petition and a proposed revised version of the Court's April 21 public opinion. The proposed opinion on the rehearing petition (1) bifurcated the issues concerning disclosure of the OLC-DOD Memorandum and the petition's request for relief with respect to the *Vaughn* index, (2) granted the petition for rehearing to the extent that it requested further deletions from the OLC-DOD Memorandum, (3) advised that a revision of the Court's April 21 public opinion with a redacted version of the OLC-DOD Memorandum would be filed the same day as the opinion with

respect to the rehearing petition was filed, and (4) deferred decision with respect to the Appellees' request for relief with respect to the *Vaughn* index.

On May 28, 2014, the Court issued an order stating, among other things, that the parties would be notified by 5 p.m. Friday, June 6, 2014, whether oral argument on the Government's petition for rehearing would be scheduled on Monday, June 9, 2014. On June 6, 2014, we further advised (in a corrected order) that the parties will be notified by 5 p.m. Friday, June 13, 2014, whether oral argument on the Government's petition for rehearing will be scheduled for Monday, June 23, 2014.

We now direct the Appellees to notify the Court by noon on Friday, June 20, 2014, whether it has any objection to the filing of the proposed opinion on the rehearing petition and the proposed revision of the Court's April 21 public opinion including the redacted OLC-DOD Memorandum. If no objection is received, the Court will file the proposed opinion on the rehearing petition and the proposed revision of the Court's April 21 public opinion including the redacted OLC-DOD Memorandum on Monday, June 23. If timely objection is received, it must be set forth with specificity, and oral argument on the petition for rehearing will be scheduled at 2 p.m. Monday, June 23, limited to issues concerning filing of the proposed opinion on the rehearing petition and filing of the proposed revision of the Court's April 21 public opinion with the redacted version of the OLC-DOD Memorandum.