



U.S. Department of Justice

United States Attorney  
Southern District of New York

86 Chambers Street  
New York, New York 10007

BY FACSIMILE

Hon. Alvin K. Hellerstein  
United States District Court  
Southern District of New York  
500 Pearl Street, Room 1050  
New York, New York 10007-1312

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

Dear Judge Hellerstein:

We write respectfully to request an additional 20 days, from April 2, 2009 until April 22, 2009, to file the Government's opposition to plaintiffs' fourth motion for summary judgment and the Government's cross-motion. Plaintiffs have informed the Government that they consent to this extension based on the Government's representation that high-level Government officials in plaintiffs' fourth motion for summary judgment, and an August 1, 2002 OLC memorandum, that is now available to the public, and that any release of information from these documents will take place on or before April 16, 2009. The Government to file its brief and supporting papers for business days later on April 22, 2009, as to any remaining issues for litigation.

The Court has granted the Government four prior extensions of time for its opposition and cross-motion. We thank the Court for its consideration of this request.

Respectfully,

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Hon. Alvin K. Hellerstein

April 2, 2009

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cc: Amrit Singh, Esq.

Jenny-Brooke Condon, Esq.