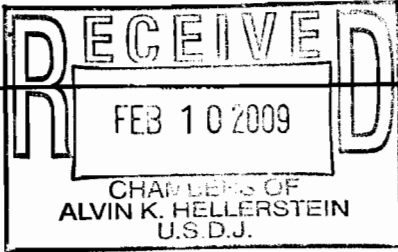




United States Attorney
Southern District of New York



86 Chambers Street
New York, New York 10007

February 11, 2009

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

The parties shall appear for an on-the-record hearing on February 18, 2009 at 3 p.m., to establish the necessity of any extension of time beyond 14 days.
Feb. 13 2009

[Signature]
part

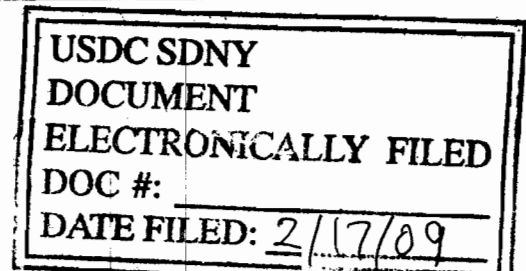
Re: ACLU, et al., v. Department of Defense, et al., No. 04 Civ. 4151 (AKH)

Dear Judge Hellerstein:

We write respectfully to request a 90-day extension of time, from February 13, 2009 until May 14, 2009, to file the Government's opposition to plaintiffs' fourth motion for summary judgment and the Government's cross-motion. This is the Government's second request for an extension.

This extension is necessary to permit consultations with officials of the new administration who will need time to familiarize themselves with the issues presented in this sensitive matter. In this motion, Plaintiffs challenge the withholding of three Office of Legal Counsel memoranda. The Central Intelligence Agency seeks to withhold these three memoranda pursuant to Exemptions One and Three, and the Office of Legal Counsel seeks to withhold them under Exemption Five. On January 22, 2009, President Obama issued an Executive Order pertaining to the detention and interrogation of persons detained by the United States in armed conflicts, which could have some bearing on this litigation. New administration officials at both agencies will need time to obtain the requisite security clearances, familiarize themselves with the matter and the classified documents at issue, and ensure that the Government's positions are consistent with the president's new Executive Order. The Government estimates that this process will take 90 days to complete.

This is the Government's second request for an extension of this deadline. On January 15, 2009, this Court granted the Government's request for a one month extension of the deadline. The Government requested plaintiffs' consent to this extension request, and plaintiffs responded that they do not consent to any extension request beyond 14 days.



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We thank the Court for its consideration of this request.

Respectfully,

LEV N. DASSIN
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cc: Amrit Singh, Esq.
Jenny-Brooke Condon, Esq.