



U.S. Department of Justice

Civil Division

Washington, DC 20530

August 5, 2014

By ECF

Honorable Edward R. Korman
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Abidor et al. v. Napolitano et al., CV-10-4059 (Korman, J.) (Azrack, M.J.)
(E.D.N.Y.)

Dear Judge Korman:

Defendants write regarding the Court's order issued during the July 23, 2014 telephone conference regarding further briefing.

During the conference, the Court noted that the documents filed under seal (ECF Doc. No. 51 and 55) by Defendants contain redactions.¹ The redacted documents were submitted to the Court pursuant to its order at the hearing on April 25, 2014. At that hearing, the Court ordered Defendants to file under seal copies of "the summaries that were made of the records that were on [Plaintiff Pacal Abidor's] computer." Hr'g Tr. at 38. In accordance with that order, Defendant filed, under seal, those portions of the relevant Government-created records that described the contents of Plaintiff's computer. See ECF Doc. 54 at 2. Defendants redacted portions of the pages which were not responsive to the Court's request (*i.e.*, portions which did not describe the contents of Plaintiff's computer).² Defendants filed those portions describing the contents of the computer (*i.e.*, the unredacted portions) under seal to protect Plaintiff's privacy concerns, as well as the privacy interests of third parties, as noted below. Defendants

¹ ECF Document No. 51 is a redacted one page document describing eight emails sent by Plaintiff. This document was submitted under seal at the April 25, 2014 hearing. This document was also submitted to the Court, without any redactions, as part of the documents filed under seal in ECF Doc. No. 55. See ECF Doc. No. 55 (Abidor_000020).

² The other portions of these documents contain additional information that was not responsive to the Court's April 25, 2014 order. This additional information, which was redacted from the under seal filing in Docket No. 55, may reflect privileged or otherwise sensitive information, related to law enforcement activities, that would protect it from disclosure in this action. Portions redacted from the under seal filing may also include personally identifiable information that would not be appropriate for public disclosure.

have no objections to the lifting of seal, although they also must note that the unredacted portions of the records include personally identifiable information of third parties that should be protected from public disclosure.

Defendants hope that the above discussion clarifies any confusion regarding the nature of the redactions made in their submissions. If the Court desires further information from Defendants concerning the redactions, Defendants respectfully request that the Court clarify the July 23, 2014 order.

Respectfully submitted,

LORETTA E. LYNCH
United States Attorney

STUART F. DELERY
Assistant Attorney General

ELLIOT M. SCHACHNER
Assistant U.S. Attorney

DIANE KELLEHER
Assistant Branch Director

s/Marcia K. Sowles
Marcia K. Sowles
Senior Counsel
U.S. Department of Justice, Civil Division

cc: Counsel of Record
(Via ECF)