



**U.S. Department of Justice**

*United States Attorney  
Southern District of New York*

*86 Chambers Street, 3rd floor  
New York, New York 10007*

February 17, 2021

**BY ECF**

The Honorable Paul A. Engelmayer  
United States District Judge  
Thurgood Marshall United States Courthouse  
40 Foley Square  
New York, New York 10007

Re: *Open Society Justice Initiative v. Office of the Director of National Intelligence*, No. 20 Civ. 6625 (PAE)

Dear Judge Engelmayer:

We write respectfully on behalf of defendant the Office of the Director of National Intelligence (“ODNI” or the “government”) to provide a status update in the above-referenced matter. On January 28, 2021, the Court stayed the February 3, 2021 deadline for ODNI to file its reply brief in further support of its motion for summary judgment and opposition to plaintiff’s motion for summary judgment to allow the new administration time to evaluate issues that may affect the government’s position in this matter. *See* ECF No. 41. The new administration is continuing to evaluate these issues. Accordingly, ODNI respectfully requests that the stay be extended an additional two weeks, and that the government provide a further update to the Court on March 3, 2021. Plaintiff does not consent to this request and will submit a separate letter to the Court. We thank the Court for its consideration of this request.

Respectfully submitted,

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Re: *Open Society Justice Initiative v. Office of the Director of  
National Intelligence*, No. 20 Civ. 6625 (PAE)

Dear Judge Engelmayer:

We write respectfully on behalf of Plaintiff the Open Society Justice Initiative (“OSJI”) in the above-referenced action brought pursuant to the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, seeking disclosure of an ODNI report identifying individuals responsible for the murder of Jamal Khashoggi (“ODNI Khashoggi report”). We write with reference to Defendant ODNI’s letter dated February 17, 2021, ECF No. 42, requesting an extension of the stay this Court ordered with respect to the briefing schedule in this case.

FOIA entitles Plaintiff to timely resolution of the issues in this case. Other than referring to the fact of a new administration, ODNI has not provided the Court or Plaintiff with any information relevant for assessing its request for a second extension in this case. Indeed, its two requests for extensions make no mention of the administration’s repeated public statements committing to disclosing the ODNI Khashoggi report, including statements that we have previously brought to the Court’s attention. *See* Notice of Supp. Authority, ECF No. 40.<sup>1</sup> This does not comport with the administration’s recent “recommitment to the highest standards of transparency” in the context of the work of our national security institutions.<sup>2</sup>

Accordingly, Plaintiff consents to an extension of the stay by one week. By February 24, 2021, the government should provide a substantive update to the Court

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<sup>1</sup> *See also* Press Briefing by Press Secretary Jen Psaki and Council of Economic Advisers Member Jared Bernstein (Feb. 5, 2021), <https://www.whitehouse.gov/briefing-room/press-briefings/2021/02/05/press-briefing-by-press-secretary-jen-psaki-and-council-of-economic-advisers-member-jared-bernstein-february-5-2021>.

<sup>2</sup> National Security Memorandum on Revitalizing America’s Foreign Policy and National Security Workforce, Institutions, and Partnerships (Feb. 4, 2021), <https://fas.org/irp/offdocs/nsm/nsm-1.pdf>.

regarding next steps in this case, including, in particular, whether the government intends to continue to withhold the ODNI Khashoggi report in its entirety. If the government does not provide such an update by February 24, 2021, Plaintiff requests that the Court lift the stay and set dates for the remainder of the briefing schedule. To ensure timely resolution of this case, we propose ODNI's reply be due on March 5, and Plaintiff's reply on March 19, 2021.

Respectfully submitted,

*/s/ Catherine Amirfar*

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