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May 22, 2019

Filed Electronically via ECF:

Hon. Jesse M. Furman
United States District Court
Southern District of New York
40 Centre Street, Room 2202
New York, NY 10007

Re: *State of New York et al. v. United States Department of the Treasury et al.*,
19-cv-4024 (JMF)

Judge Furman:

I write on behalf of all parties in the above action to address the Court's Order of May 8, 2019 (Dkt. No. 9). The parties do not presently anticipate a need for discovery in this action and do not require an initial conference.

Additionally, the Court's May 8 Order instructed the parties to propose a briefing schedule for any motions in this case, including motions for summary judgment. The parties have been unable to reach agreement and each set forth their positions below.

Defendants have confirmed that active review efforts in response to the October 2018 Freedom of Information Act requests at issue in this action are ongoing. As additional searches are in progress, at this time the total volume of potentially responsive records is unknown and therefore Defendants cannot propose a production and briefing schedule at this time. The IRS currently advises that it will make additional rolling productions to the Plaintiffs beginning on or before Friday, June 21 and on that date will be in a position to propose a schedule for the completion for production. The Treasury Department will be in a position to propose a schedule for its own production by the same date. In light of these commitments, and the fact that Defendants' FOIA productions will affect the scope of any motion practice in this action, Defendants respectfully request that the parties not be required to present a briefing schedule at this time but rather to provide a status update to the Court in thirty days.

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Plaintiffs respectfully disagree and propose in the alternative the following briefing schedule for summary judgment in the event that substantial production remains outstanding on June 21: Plaintiffs will file their motion for summary judgment by July 15; Defendants will file any opposition within fourteen days, by July 29 (as provided by Local Civ. R. 6.1(b)); and Plaintiffs will file their reply within seven days, by August 5. Plaintiffs further propose that if Defendants make significant progress in producing responsive records by June 21 as represented above, the parties will confer by June 28 on the likelihood of a stipulated resolution and will advise the Court by joint letter if the parties believe these summary judgment deadlines should be adjourned.

Respectfully Submitted,



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