



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*86 Chambers Street
New York, New York 10007*

December 7, 2020

By ECF

The Honorable Paul A. Engelmayer
United States District Judge
Southern District of New York
40 Foley Square
New York, NY 10007

Re: *The New York Times Co. v. Federal Bureau of Prisons*, 20 Civ. 833 (PAE)

Dear Judge Engelmayer:

This Office represents defendant the Federal Bureau of Prisons (“BOP”) in this Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, action brought by plaintiff the New York Times Company (the “Times”) seeking the release of certain records related to Jeffrey Epstein. BOP respectfully requests that that the deadline for BOP to produce any additional non-exempt material in response to plaintiff’s FOIA request be extended from December 11, 2020, to January 8, 2021, and that the deadlines for the remaining submissions in this action be extended accordingly: from December 18, 2020, to January 15, 2021, for the government’s opposition and reply papers and from January 13, 2021, to February 10, 2021, for plaintiff’s reply papers. This is BOP’s first request for an extension of the December 11 production deadline and its sixth request to extend or stay the summary judgment schedule overall. *See* ECF Nos. 16, 18, 28, 30, 32. The Court granted BOP’s prior requests. *See* ECF Nos. 17, 19, 29, 31, 33. Plaintiff’s counsel consents to the present request.

Since its November 6, 2020, letter to the Court, BOP has made progress in reviewing the materials produced to it by OIG and, as anticipated, has been able to review the records on an expedited basis because of the presence of duplicative or non-responsive records in the production. *See* ECF No. 34. However, as noted as a possibility in BOP’s November 6, 2020, letter, BOP needs additional time to complete its review of the production from OIG. BOP estimates that over two thousand five hundred pages of records remain to be reviewed, but, based on its progress so far, BOP anticipates it can complete its review of these remaining pages by later this month.¹ After BOP completes its review, other components of the Department of Justice, including the United States Attorney’s Office for the Southern District of New York, will need to complete their review of any additional material determined to be responsive by BOP. Taking into account the upcoming holidays, an extension until January 8, 2021, should allow for sufficient time to complete these review processes and to finalize any production of any additional non-exempt material. After that production, BOP anticipates needing one week, until January 15, 2021, to finalize its remaining briefing and any supplemental declarations. Plaintiff,

¹ The parties have agreed that BOP will not review email records provided from OIG to BOP, except for any emails sent to or from Epstein himself while he was held at the Metropolitan Correctional Center.

which has consented to the proposed schedule, would have until February 10, 2021, to file its reply papers.

I thank the Court for its consideration of this submission.

Respectfully submitted,

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Cc (by ECF): Counsel of Record

Granted. Defendant shall produce any additional non-exempt material to plaintiff by January 8, 2021. Defendant's opposition brief and reply in support of its own motion, and any additional supporting declarations, are due by January 15, 2021. Plaintiff's reply is due by February 10, 2021. The Court does not expect to grant further extensions absent extraordinary circumstances.

SO ORDERED.



PAUL A. ENGELMAYER

United States District Judge

December 8, 2020