

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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1:12-cv-00794-CM

American Civil Liberties Union and The
American Civil Liberties Union
Foundation

Plaintiffs,

**PLAINTIFFS' NOTICE OF MOTION
FOR PARTIAL SUMMARY JUDGMENT**

-v-

U.S. Department of Justice, including its
component the Office of Legal Counsel,
U.S. Department of Defense, including its
component U.S. Special Operations
Command, and Central Intelligence
Agency

Defendants.

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PLEASE TAKE NOTICE THAT, upon the accompanying memorandum of law, the Declaration of Colin Wicker, and all exhibits thereto, and all prior pleadings and proceedings heretofore had herein, Plaintiffs American Civil Liberties Union and The American Civil Liberties Union Foundation (collectively, "the ACLU") will move this Court, before the Honorable Colleen McMahon, at Courtroom 14C of the United States Courthouse, 500 Pearl Street, New York, New York 10007, on a date to be determined by the Court, for an Order granting the ACLU partial summary judgment pursuant to Rule 56(a) of the Federal Rules of Civil Procedure. The ACLU respectfully requests the Court to:

1. Order the Defendants to produce to the ACLU a copy of the Office of Legal Counsel's memorandum to the Department of Defense described in the Declaration of John E. Bies ¶¶ 30 and 38;

2. Order the Defendants to produce to the ACLU a copy of the Department of Defense memoranda listed as documents 9 and 10 in the *Vaughn* index submitted as Exhibit J to the Declaration of Robert R. Neller;
3. Order the Defendants to produce to the ACLU a copy of any responsive memoranda from the Office of Legal Counsel to the Central Intelligence Agency, or to submit a full and complete *Vaughn* index of them; and
4. Order the Defendants to produce all remaining responsive documents pursuant to the ACLU's FOIA requests, or submit a full and complete *Vaughn* index for the documents, except for those responsive to the requests specifically waived in the ACLU's memorandum in support of this motion for partial summary judgment.

Dated: July 18, 2012

DORSEY & WHITNEY LLP

By: /s/Joshua Colangelo-Bryan
Joshua Colangelo-Bryan

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