

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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NATIONAL DAY LABORER ORGANIZING
NETWORK, CENTER FOR CONSTITUTIONAL
RIGHTS, and IMMIGRATION JUSTICE
CLINIC OF THE BENJAMIN N. CARDOZO
SCHOOL OF LAW,

ECF CASE

10 CV 3488 (SAS)(KNF)

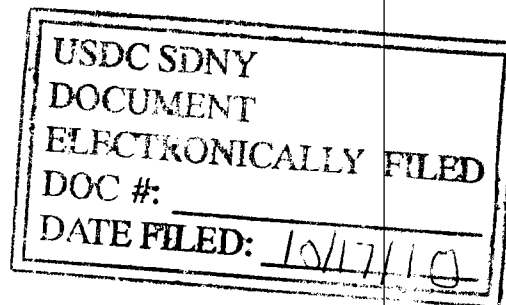
Plaintiffs.

v.

ORDER

UNITED STATES IMMIGRATION
AND CUSTOMS ENFORCEMENT AGENCY,
UNITED STATES DEPARTMENT OF
HOMELAND SECURITY,
FEDERAL BUREAU OF INVESTIGATION,
EXECUTIVE OFFICE OF IMMIGRATION
REVIEW and OFFICE OF LEGAL COUNSEL

Defendants.



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ORDER

Upon consideration of the Motion for Preliminary Injunction Compelling Defendants to Produce Limited "Opt-Out" Records Responsive to the Freedom of Information Act request ("the Request") filed by the National Day Laborer Organizing Network, Center for Constitutional Rights, and Immigration Justice Clinic of the Benjamin N. Cardozo School of Law (collectively "Plaintiffs"), all other pleadings and papers heretofore filed, and after considering further testimony and evidence at a hearing held before the Court on December 9, 2010; it is hereby ORDERED:

1. Defendants, Department of Homeland Security (DHS), the Immigration and Customs Enforcement (ICE), the Federal Bureau of Investigation (FBI), Office of Legal Counsel

(OLC) and Executive Office of Immigration Review (EOIR) (collectively, "Defendants") shall search, process and produce to Plaintiffs, by January 17, 2011, records relating to the ability of states or localities to decline or limit participation in Secure Communities, including documents, memoranda, manuals, and communications referencing the technological capacity of ICE and the FBI to honor requests to opt-out, opt-in or limit participation in Secure Communities ("Opt-Out Production").

(a) On January 17, 2011, Defendants shall also serve and file a partial summary judgment motion together with a *Vaughn* index or declaration explaining and defending any claimed exemptions in the Opt-Out Production.

(b) Plaintiffs shall submit opposition papers to the Defendants' partial summary judgment motion no later than January 31, 2011.

(c) Defendants shall submit any reply to Plaintiffs' opposition papers no later than February 7, 2011.

2. Defendants shall search, process and produce to Plaintiffs, by February 25, 2011, records responsive to Section I and Sections III-X of Plaintiffs' Rapid Production List and Rapid Production List Appendix. ("RPL Production") (attached hereto).

3. For processing of the Opt-Out Production, Defendants shall apply a search cut-off date of October 15, 2010.

4. The Parties shall continue to meet and confer regarding the protocol governing the electronic format of production.

5. Plaintiffs shall submit a revised version of the FOIA Request to Defendants by January 7, 2011.

6. The Parties shall appear before this Court for a scheduling conference regarding the revised FOIA Request on Thursday, January 20, 2011 at 4 PM.

Dated: December 17, 2010
New York, New York

SO ORDERED:



SHIRA A. SCHEINDLIN
UNITED STATES DISTRICT JUDGE

