



U.S. Department of Justice

United States Attorney  
Southern District of New York

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The Silvio J. Mollo Building  
One Saint Andrew's Plaza  
New York, New York 10007

August 10, 2020

**By ECF**

The Honorable Jesse M. Furman  
United States District Judge  
Southern District of New York  
Thurgood Marshall United States Courthouse  
40 Foley Square  
New York, New York 10007

**Re: *New York v. Chad F. Wolf, et al.*, No. 20 Civ. 1127 (JMF) (S.D.N.Y.)  
*Lewis-McCoy, et al. v. Chad Wolf, et al.*, No. 20 Civ. 1142 (JMF) (S.D.N.Y.)**

Dear Judge Furman:

I have been tasked with preparation of the “comprehensive and detailed report” that the Court, in its July 29, 2020, Order, directed the Defendants to prepare concerning “*any and all* inaccurate or misleading statements or representations in the record.”<sup>1</sup> I will also be participating in the preparation of the new declarations called for by the Court’s Order.

At present, the principal statements I am reviewing are those that implicate (i) the extent to which states or territories other than New York do not make available certain categories of DMV information to DHS/CBP; and (ii) the extent to which DHS/CBP accepts DMV information subject to restrictions on its dissemination within or use by DHS. As ordered by the Court, I will also look into any other area where a correction may be necessary. In order to look into these matters with the requisite level of detail, I have asked DHS to provide me with emails from the most pertinent personnel. Thus far, DHS has provided me with a great deal of information, including approximately 2300 emails, with an offer to provide any more that may appear useful. These emails come from a number of custodians, including field operation personnel and information technology specialists. I have also obtained access to over 5000 internal USAO emails (which I am hopeful can be quickly narrowed down to a hundred or so relevant emails). I have already commenced reviewing the DHS emails and I believe that I will need to give emails from DHS an individualized review in order to respond to the Court’s order. Once I have gained sufficient mastery of the emails and documents communicated within DHS and with our Office, I will need to interview the most pertinent personnel. I anticipate that will provide the information necessary

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<sup>1</sup> We understand the reference to “record” here to mean representations the Government and the Defendants made to the Court in pleadings, motions, and declarations in this litigation, as opposed to examining for, and reporting on, any inaccuracy in every statement in every item contained in the Administrative Record.

to prepare the report the Court has ordered, and identify all the points that will need to be addressed with the requisite particularity in the new declarations the Court has ordered.

In order to accomplish the foregoing, I respectfully request that the date by which the report and the new declarations be filed be extended from Wednesday, August 12 until Monday, September 14, 2020. I do not believe I can complete a comprehensive and detailed report, and provide input into the preparation of new adequately particular declarations, in any less time than that. I stress that this request for additional time is not due to any lack of responsiveness from DHS—indeed, DHS has been more than forthcoming—it is simply because of the amount of information that at this juncture I believe needs to be obtained and absorbed in order to generate an accurate report and to then assist in preparing adequately particular declarations.

Antony Gemmell, Esq., speaking for both the Lewis-McCoy plaintiffs and New York, has advised that Plaintiffs do not consent to this extension request.

Should the court desire any further information, the Government would be pleased to comply.

Respectfully submitted,

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by:   
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