

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X	
NATIONAL DAY LABORER ORGANIZING	:
NETWORK, CENTER FOR CONSTITUTIONAL	:
RIGHTS, and IMMIGRATION JUSTICE	:
CLINIC OF THE BENJAMIN N. CARDOZO	:
SCHOOL OF LAW,	:
	:
<i>Plaintiffs,</i>	:
	:
v.	:
	:
UNITED STATES IMMIGRATION	:
AND CUSTOMS ENFORCEMENT AGENCY,	:
UNITED STATES DEPARTMENT OF	:
HOMELAND SECURITY,	:
FEDERAL BUREAU OF INVESTIGATION,	:
and OFFICE OF LEGAL COUNSEL	:
	:
<i>Defendants.</i>	:
-----X	

No. 10 Civ. 3488 (SAS)
[Rel. No. 10 Civ. 2705]

**NOTICE OF MOTION FOR PLAINTIFFS' RENEWED CROSS-MOTION FOR
SUMMARY JUDGMENT ON THE INAPPLICABILITY OF EXEMPTION (b)5 TO
WITHHELD INFORMATION IN THE OCTOBER 2 MEMORANDUM, OR FOR
DISCOVERY PURSUANT TO FED. R. CIV. P. 56(d)**

PLEASE TAKE NOTICE that upon the annexed: (1) Declaration of Sonia Lin, dated September 12, 2011, together with the exhibits annexed thereto; (2) Declaration of Sarahi Uribe, dated September 12, 2011, together with the exhibits annexed thereto; (3) Declaration of Sarang Sekhavat, dated September 9, 2011; (3) Declaration of Sunita Patel, dated September 12, 2011; and (4) accompanying Memorandum of Law, Plaintiffs National Day Laborer Organizing Network, Center for Constitutional Rights, and the Kathryn O. Greenberg Immigration Justice Clinic of the Benjamin N. Cardozo School of Law, by and through their respective counsel, will move this Court pursuant to Rule 56 of the Federal Rules of Civil Procedure at the United States Courthouse, Southern District of New York, 500 Pearl Street, New York, NY 10007-1312, on

such date and at such time as the Court may direct, for an order granting Plaintiffs' request that this Court deny Defendants' Renewed Motion for Summary Judgment and grant the Plaintiffs' Renewed Cross-Motion for Summary Judgment, order the disclosure of the withheld documents, including versions of an ICE memorandum dated October 2, 2010 and titled "Secure Communities – Mandatory in 2013" (collectively, the "Oct. 2 Memo") or, in the alternative, order further discovery with respect to the Oct. 2 Memo.

Dated: September 12, 2011
New York, New York

Respectfully submitted,

/s/

PETER L. MARKOWITZ
SONIA R. LIN
Kathryn O. Greenberg Immigration Justice Clinic
Benjamin N. Cardozo School of Law
55 Fifth Avenue
New York, New York 10003
Tel: 212-790-0213
Fax: 212-790-0256
slin@yu.edu
pmarkowi@yu.edu

Attorneys for IJC and NDLO

/s/

GITANJALI GUTIERREZ
SUNITA PATEL
SCOTT PALTROWITZ
Center for Constitutional Rights
666 Broadway, 7th Floor
New York, New York 10012
Tel: 212-614-6439
Fax: 212-614-6499
GGutierrez@ccrjustice.org
SPatel@ccrjustice.org
SPaltrowitz@ccrjustice.org

Attorneys for CCR and NDLON

/s/

PAULA A. TUFFIN
ANTHONY J. DIANA
THERESE CRAPARO
LISA R. PLUSH
JEREMY D. SCHILDCROUT
JARMAN RUSSELL
Mayer Brown LLP
1675 Broadway
New York, New York 10019
Tel: 212-506-2500
Fax: 212-262-1910
ptuffin@mayerbrown.com
adiana@mayerbrown.com
TCraparo@mayerbrown.com
lplush@mayerbrown.com
jschildcrout@mayerbrown.com
JRussell@mayerbrown.com

Attorneys for NDLON