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

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

Plaintiffs,

- against -

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

Defendants.

No. 10 Civ. 3488 (SAS)  
ECF Case

**NOTICE OF MOTION BY DEFENDANTS FOR PARTIAL SUMMARY  
JUDGMENT ON EXEMPTIONS APPLIED TO OPT-OUT RECORDS**

PLEASE TAKE NOTICE that upon the accompanying Declaration of Catrina  
Pavlik-Keenan dated January 28, 2011, and the exhibit annexed thereto; the Third

Declaration of David M. Hardy dated January 28, 2011, and the exhibit annexed thereto; the Declaration of Donna Lewis dated January 14, 2011, and the attachment thereto; the Declaration of Crystal Rene Souza dated January 14, 2011, and the attachment thereto; and the accompanying memorandum of law, defendants United States Immigration and Customs Enforcement (“ICE”), Federal Bureau of Investigation (“FBI”), U.S.

Department of Homeland Security (“DHS”), and Executive Office for Immigration Review (“EOIR”), by their attorney Preet Bharara, United States Attorney for the Southern District of New York, will move this Court, before the Honorable Shira A. Scheindlin, United States District Judge, on February 18, 2011, for an order pursuant to Rule 56 of the Federal Rules of Civil Procedure granting partial summary judgment on defendants’ application of certain Freedom of Information Act (“FOIA”) exemptions to the “opt-out records” released in partial response to plaintiffs’ FOIA request, and for such other relief as the Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that pursuant to the briefing schedule ordered by the Court, plaintiffs’ answering papers, if any, shall be served on or before February 11, 2011, and defendants’ reply papers shall be served on or before February 18, 2011.

Dated: New York, New York  
January 28, 2011

Respectfully submitted,

PREET BHARARA  
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*Attorney for Defendants*

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