

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

STATE OF NEW YORK, *et al.*,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
COMMERCE, *et al.*,

Defendants.

No. 1:18-cv-2921 (JMF)

NEW YORK IMMIGRATION
COALITION, *et al.*,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
COMMERCE, *et al.*,

Defendants.

No. 1:18-cv-5025 (JMF)

**NOTICE OF FILING SUPPLEMENTAL MATERIALS PURSUANT TO THE COURT'S
JULY 3, 2018 ORDER**

Defendants hereby provide notice of the production of additional materials in response to this Court's July 3, 2018 order. Defendants previously completed two productions of material responsive to this Court's order, one on July 23, 2018, and one on July 26, 2018. During a post-production quality control review, Defendants identified a small number of additional materials

inadvertently omitted from those productions due to a technical error. Defendants notified Plaintiffs of this error on July 31, 2018, and agreed to produce the additional materials, along with one additional email that Defendants agreed should not have been withheld as privileged, at the earliest opportunity and no later than August 3, 2018. Defendants recognize that the extension granted by this Court on July 23, 2018, specified that “No further extensions will be granted.” Defendants apologize for the inadvertent error in omitting these documents by July 28, 2018. The additional materials, which are small in number, are being uploaded to the publicly available location previously provided: http://www.osec.doc.gov/opog/foia/documents/census_prod002.zip.

Defendants maintain their position that this challenge to a final agency action is properly reviewed, if at all, on the basis of the administrative record produced by the Department of Commerce on June 8 and 21, 2018. *See* ECF Nos. 173 and 189, *New York v. U.S. Dep’t of Commerce*, No. 18-cv-2921 (JMF). Given, however, the Court’s July 3, 2018 Order, Defendants have collected and are producing a broader set of materials than would normally be considered appropriate for an administrative record.

DATED: August 3, 2018

Respectfully submitted,

CHAD A. READLER
Acting Assistant Attorney General

BRETT A. SHUMATE
Deputy Assistant Attorney General

JOHN R. GRIFFITHS
Director, Federal Programs Branch

CARLOTTA P. WELLS
Assistant Branch Director

/s/ Kate Bailey
KATE BAILEY
GARRETT COYLE
STEPHEN EHRLICH

CAROL FEDERIGHI
Trial Attorneys
United States Department of Justice
Civil Division, Federal Programs Branch
20 Massachusetts Ave., N.W.
Washington, DC 20530
Tel.: (202) 514-9239
Fax: (202) 616-8470
Email: kate.bailey@usdoj.gov

Counsel for Defendants