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October 24, 2019

BY ELECTRONIC COURT FILING

The Honorable Paul A. Engelmayer
United States District Court
Southern District of New York
Thurgood Marshall U.S. Courthouse
40 Foley Square, Room 2201
New York, NY 10007

Re: Defendants' letter motion to file the administrative record on electronic media via overnight courier, No. 1:19-cv-04676-PAE (consolidated with Nos. 1:19-cv-05433-PAE & 1:19-cv-05435-PAE).

Dear Judge Engelmayer:

On October 21, 2019, "[t]o assure completeness," the Court ordered Defendants "to file a copy of the full administrative record on the docket by Friday, October 25, 2019." ECF No. 241. The administrative record in this case, however, consists of more than 500,000 pages and, due to its size, cannot feasibly be filed directly on the docket through the Court's Electronic Case Filing (ECF) system. Notably, under Rule 5.3 of this Court's Electronic Case Filing Rules & Instruction, an administrative record may be filed in hard copy without a prior motion or order of the Court. Yet, given the size of the administrative record, Defendants do not believe that providing the administrative record in hard copy would be practical or helpful to the Court.

Accordingly, Defendants ask the Court's permission to comply with this Court's October 21, 2019 Order by filing certifications of the administrative record's completeness and the relevant indexes to the administrative record on the docket through the Court's ECF system, and by providing the administrative record itself to the Court and the Clerk's office on thumb drives sent via overnight courier. Defendants respectfully submit that this proposed course will meet the Court's objective of assuring completeness while also accounting for the practical difficulties of transmitting an administrative record of very large volume.

Defendants contacted counsel for Plaintiffs this afternoon regarding this request. Counsel for the NFPRHA and Planned Parenthood Plaintiffs indicated they consent; counsel for the State Plaintiffs have not yet stated the State Plaintiffs' position.

Hon. Paul. A. Engelmayer

October 24, 2019

Page 2

We appreciate your Honor's time and attention to this matter.

Sincerely,

/s/ Bradley P. Humphreys

BRADLEY P. HUMPHREYS

Trial Attorney

U.S. Department of Justice, Civil Division