

## CRAVATH, SWAINE & MOORE LLP

WORLDWIDE PLAZA  
825 EIGHTH AVENUE  
NEW YORK, NY 10019-7475

TELEPHONE: +1-212-474-1000  
FACSIMILE: +1-212-474-3700

CITYPOINT  
ONE ROPEMAKER STREET  
LONDON EC2Y 9HR  
TELEPHONE: +44-20-7453-1000  
FACSIMILE: +44-20-7880-1150

WRITER'S DIRECT DIAL NUMBER  
+1-212-474-1752

WRITER'S EMAIL ADDRESS  
jnorth@cravath.com

JOHN W. WHITE  
EVAN R. CHESLER  
PHILIP A. GELSTON  
RICHARD W. CLARY  
JAMES D. COOPER  
STEPHEN L. GORDON  
DANIEL L. MOSLEY  
ROBERT H. BARON  
DAVID MERCADO  
CHRISTINE A. VARNER  
PETER T. BARBUR  
SANDRA C. GOLDSTEIN  
THOMAS G. RAFFERTY  
MICHAEL S. GOLDMAN  
RICHARD HALL  
JULIE A. NORTH  
ANDREW W. NEEDHAM  
STEPHEN L. BURNS  
KEITH R. HUMMEL  
DAVID J. KAPPOS  
DANIEL SUFKIN  
ROBERT I. TOWNSEND, III  
WILLIAM J. WHELAN, III

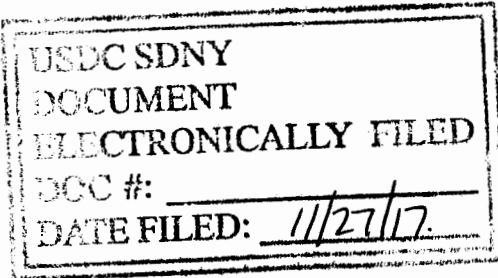
PHILIP J. BOECKMAN  
WILLIAM V. FOGG  
FAIZA J. SAEED  
RICHARD J. STARK  
THOMAS E. DUNN  
MARK I. GREENE  
DAVID R. HARRIOTT  
MICHAEL A. PASKIN  
ANDREW J. PITTS  
MICHAEL T. REYNOLDS  
ANTONY L. RYAN  
GEORGE E. ZOBITZ  
GEORGE A. STEPHANAKIS  
DARIN P. MCATEE  
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LIZABETHANN R. EISEN  
DAVID B. FINKELSTEIN  
DAVID GREENWALD  
RACHEL G. SKAISTIS  
PAUL H. ZUMBRO  
JOEL F. HEROLD

ERIC W. HILFERS  
GEORGE F. SCHOEN  
ERIK R. TAVZEL  
CRAIG F. ARCELLA  
DAMIEN R. ZOUBEK  
LAUREN ANGEILLI  
TATIANA LAPUSHCHIK  
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J. WESLEY EARNHARDT  
YONATAN EVEN  
BENJAMIN GRUENSTEIN  
JOSEPH D. ZAVAGLIA  
STEPHEN M. KESSING  
LAUREN A. MOSKOWITZ  
DAVID J. PERKINS  
JOHNNY G. SKUMPIJA  
J. LEONARDO TETI, II

D. SCOTT BENNETT  
TING S. CHEN  
CHRISTOPHER K. FARGO  
KENNETH C. HALCOM  
DAVID M. STUART  
AARON M. GRUBER  
D. KEITH HALLAM, III  
OHID H. NASAB  
DAMARIS HERNANDEZ  
JONATHAN J. KATZ  
MARGARET SEGALL D'AMICO  
RORY A. LERARIS  
KARA L. MUNGOVAN

SPECIAL COUNSEL  
SAMUEL C. BUTLER

OF COUNSEL  
MICHAEL L. SCHLER



November 22, 2017

Elisa W., et al. v. The City of New York, et al.,  
15 Civ. 5273-LTS-HBP

Dear Judge Pitman:

I write jointly on behalf of Plaintiffs and City Defendant (the "Parties") to provide a further update on the status of our discussions regarding the relevance and responsiveness objections City Defendant has raised with respect to the documents listed in City Defendant's September 29, 2017 deliberative process privilege log. The Parties have met and conferred twice and exchanged e-mails.

City Defendant's deliberative process privilege log categorized approximately 1,800 documents as "communications between ACS staff regarding policy formation" ("Policy Communications"). The Parties have not yet been able to reach an agreement with respect to the Policy Communications, but they wish to continue to engage in further discussions.

City Defendant's deliberative process privilege log also categorized approximately 3,500 documents as "ACS draft polic[ies]" ("Draft Policies"). The Parties believe that the most efficient path forward with respect to the Draft Policies is for the Parties to brief the discrete issues of (1) whether the Draft Policies, by virtue of their non-final nature, are categorically not relevant to Plaintiffs' claims; and (2) whether the Draft Policies are categorically not responsive in light of Plaintiffs' discovery requests and communications between the Parties. Should Your Honor determine that the Draft Policies are categorically not relevant, not responsive, or both, Plaintiffs will not seek further action from City Defendant with respect to its assertion of the deliberative process privilege over the Draft Policies. Should Your Honor determine otherwise, City Defendant will produce the Draft Policies or, for any Draft Policies over which City Defendant continues to assert the deliberative process privilege, City Defendant will provide an appropriate privilege log, as well as a supporting affidavit from an appropriate ACS official who has personally reviewed the documents, in accordance with applicable law.

The Parties respectfully request that they each be permitted to file a letter brief, not to exceed 10 pages in length, addressing the issues of responsiveness and relevance with respect to the Draft Policies by 5 P.M. on December 8, 2017.

Respectfully,

*Julie A. North // GF*

Julie A. North

The Honorable Henry B. Pitman  
U. S. District Court for the Southern District of New York  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street  
New York, NY 10007

BY ECF

*APPLICATION GRANTED*

SO ORDERED

*Henry Pitman*  
HENRY PITMAN  
UNITED STATES MAGISTRATE JUDGE

*11-27-17*