

UNITED STATES  
FOREIGN INTELLIGENCE SURVEILLANCE COURT  
WASHINGTON, D.C.

U.S. FOREIGN INTELLIGENCE SURVEILLANCE COURT  
DEC 20 PM 5:14  
LEEANN WELSH WALL  
CLERK OF COURT

IN RE OPINIONS AND ORDERS OF  
THIS COURT CONTAINING NOVEL  
OR SIGNIFICANT INTERPRETATIONS  
OF LAW

No. Misc. 16-01

**MOTION FOR BRIEFING SCHEDULE**

Movant American Civil Liberties Union (“ACLU”) respectfully requests that the Court set a briefing schedule in the above-captioned matter.

On October 19, 2016, the ACLU filed a motion, pursuant to the First Amendment and FISC Rule of Procedure 62, asking the Court to unseal its opinions and orders containing novel or significant interpretations of law issued between September 11, 2001, and the passage of the USA FREEDOM Act on June 2, 2015. Upon the filing of similar motions in the past, the Court has issued an order setting a briefing schedule for the government’s response and for movants’ reply. *See* Briefing Order, *In re Opinions and Orders of this Court Addressing Bulk Collection*, No. Misc. 13-08 (FISC Nov. 8, 2013); Order, *In re Orders Issued by this Court Interpreting Section 215 of the Patriot Act*, No. Misc. 13-02 (FISC June 14, 2013). However, to date, the Court has not yet issued a scheduling order in this matter.

Movant’s motion seeks a different set of opinions and orders than those sought in the past. It also raises new arguments in support of the public’s right of access, in light of the disclosure requirement that Congress enacted in Section 402 of the USA FREEDOM Act, 50 U.S.C. § 1872, and in light of the public benefits of disclosure that executive branch officials,

Congress, and members of this Court have recognized since 2013. *See generally* Mot. for Release of Court Records 2, 5–6, 18–19.

For these reasons, Movant respectfully requests that the Court set a briefing schedule to address the pending motion.<sup>1</sup>

Dated: December 19, 2016

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Respectfully submitted,

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<sup>1</sup> Prior to filing this motion, counsel for Movant conferred with counsel for the government, who indicated that the government did not anticipate responding to the Motion for Release of Court Records unless directed to do so by the Court.

**CERTIFICATE OF SERVICE**

I, Patrick Toomey, certify that on this day, December 19, 2016, a copy of the foregoing motion was served on the following persons by the methods indicated:

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