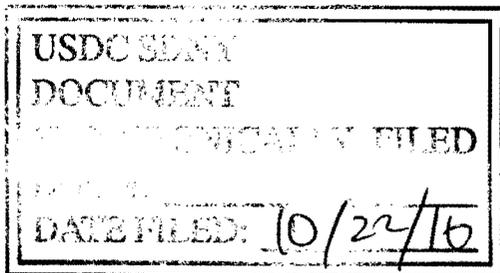


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



----- X
AMERICAN CIVIL LIBERTIES UNION, et al., :

Plaintiffs, :

--against-- :

DEPARTMENT OF DEFENSE, et al., :

Defendants. :

----- X
AMERICAN CIVIL LIBERTIES UNION, et al., :

Plaintiffs, :

--against-- :

DEPARTMENT OF JUSTICE, et al., :

Defendants. :

----- X

ORDER

04 Civ. 4151 (AKH)

05 Civ. 9620 (AKH)

ALVIN K. HELLERSTEIN, U.S.D.J.:

By order dated October 8, 2010, I directed that the parties submit a briefing schedule with respect to the September 17, 2001 presidential directive. On October 21, 2010, I received an *ex parte*, classified submission from the Government requesting that I reconsider that order in light of the parties' upcoming appeals of the October 1, 2010 Order of Final Judgment on Fourth and Fifth Motions for Partial Summary Judgment. Upon reviewing the Government's classified submission *in camera*, I have determined that litigation of the presidential directive is intertwined with the issues presented by the parties' appeals of the October 1, 2010 Order, and that resolution of the appeals may be dispositive.

Accordingly, it is hereby ORDERED that litigation of the September 17, 2001

presidential directive is stayed pending resolution of the parties' appeals of the October 1, 2010

Order.

SO ORDERED

Dated: New York, New York
October 21, 2010

A handwritten signature in black ink, appearing to read "Alvin K. Hellerstein", with a long horizontal flourish extending to the right.

ALVIN K. HELLERSTEIN
United States District Judge