

1 CINDY COHN (SBN 145997)
cindy@eff.org
2 LEE TIEN (SBN 148216)
KURT OPSAHL (SBN 191303)
3 JAMES S. TYRE (SBN 083117)
MARK RUMOLD (SBN 279060)
4 ANDREW CROCKER (SBN 291596)
ELECTRONIC FRONTIER FOUNDATION
5 815 Eddy Street
San Francisco, CA 94109
6 Telephone: (415) 436-9333
Fax: (415) 436-9993

RACHAEL E. MENY (SBN 178514)
rmeny@kvn.com
PAULA L. BLIZZARD (SBN 207920)
MICHAEL S. KWUN (SBN 198945)
AUDREY WALTON-HADLOCK (SBN 250574)
BENJAMIN W. BERKOWITZ (SBN 244441)
JUSTINA K. SESSIONS (SBN 270914)
KEKER & VAN NEST, LLP
633 Battery Street
San Francisco, CA 94111
Telephone: (415) 391-5400
Fax: (415) 397-7188

7 RICHARD R. WIEBE (SBN 121156)
wiebe@pacbell.net
8 LAW OFFICE OF RICHARD R. WIEBE
One California Street, Suite 900
9 San Francisco, CA 94111
10 Telephone: (415) 433-3200
Fax: (415) 433-6382

THOMAS E. MOORE III (SBN 115107)
tmoore@rroyselaw.com
ROYSE LAW FIRM, PC
1717 Embarcadero Road
Palo Alto, CA 94303
Telephone: (650) 813-9700
Fax: (650) 813-9777

ARAM ANTARAMIAN (SBN 239070)
aram@eff.org
LAW OFFICE OF ARAM ANTARAMIAN
1714 Blake Street
Berkeley, CA 94703
Telephone: (510) 289-1626

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14 *Counsel for Plaintiffs*
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16 **UNITED STATES DISTRICT COURT**
17 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
18 **SAN FRANCISCO DIVISION**

19 CAROLYN JEWEL, TASH HEPTING,)
YOUNG BOON HICKS, as executrix of the)
20 estate of GREGORY HICKS, ERIK KNUTZEN)
and JOICE WALTON, on behalf of themselves)
21 and all others similarly situated,)
22 Plaintiffs,)
23 v.)
24 NATIONAL SECURITY AGENCY, *et al.*,)
25 Defendants.)
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CASE NO. 08-CV-4373-JSW

**[PROPOSED] TEMPORARY
RESTRAINING ORDER**

Hon. Jeffrey S. White
Courtroom 11 - 19th Floor

1 This matter is before the Court on plaintiffs’ motion for a temporary restraining order to
 2 prevent defendants National Security Agency, United States of America, Department of Justice,
 3 Barack H. Obama, Keith B. Alexander, Eric H. Holder, Jr., and James R. Clapper, Jr. (in their
 4 official capacities) (collectively, the “government defendants”) and all those in active concert or
 5 participation with them from destroying any potential evidence relevant to the claims at issue in
 6 this action, including but not limited to prohibiting the destruction of any telephone metadata or
 7 “call detail” records. The government defendants have given notice that they will commence
 8 destroying call detail records on Tuesday morning, March 11, 2014. ECF No. 85 in *First*
 9 *Unitarian Church of Los Angeles v. NSA*, No. 13-cv-3287-JSW.

10 Plaintiffs contend that the Court’s prior evidence preservation order (ECF No. 51) as well
 11 as defendants’ obligations under the Federal Rules of Civil Procedure prohibit destruction of this
 12 potential evidence. It is undisputed that the Court would be unable to afford effective relief to
 13 plaintiffs once the records are destroyed, and therefore the harm plaintiffs face is irreparable. A
 14 temporary restraining order is necessary and appropriate so that the Court may decide whether the
 15 evidence should be preserved with the benefit of full briefing and participation by all parties.

16 It is hereby ordered that defendants National Security Agency, United States of America,
 17 Department of Justice, Barack H. Obama, Keith B. Alexander, Eric H. Holder, Jr., and James R.
 18 Clapper, Jr. (in their official capacities), their officers, agents, servants, employees, and attorneys,
 19 and all those in active concert or participation with them are prohibited, enjoined, and restrained
 20 from destroying any potential evidence relevant to the claims at issue in this action, including but
 21 not limited to prohibiting the destruction of any telephone metadata or “call detail” records,
 22 pending further order of the Court. The Court determines that no security is necessary under the
 23 circumstances.

24 The Court sets the following briefing and hearing schedule in this matter:

25 Plaintiffs’ opening brief _____

26 Government defendants opposition brief _____

27 Plaintiffs’ reply brief _____

28 Hearing _____

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This order expires at _____.

Entered at _____ a.m./p.m. on March _____, 2014

IT IS SO ORDERED.

UNITED STATES DISTRICT JUDGE