

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

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IN RE NATIONAL SECURITY AGENCY )  
TELECOMMUNICATIONS RECORDS )  
LITIGATION (M:06-cv-1791) )

Case No. 07-cv-00693-JSW

This Document Relates to: )

**[PROPOSED] ORDER RE: THE  
GOVERNMENT’S VIOLATION OF  
THE COURT’S PRESERVATION  
ORDERS**

VIRGINIA SHUBERT, NOHA ARAFA, )  
SARAH DRANOFF and HILARY )  
BOTEIN, individually and on behalf of all )  
others similarly situated, )

Hon. Jeffrey S. White  
Courtroom 5, 2<sup>nd</sup> Floor

Plaintiffs, )

-against - )

BARACK OBAMA, et al., )

Defendants. )

**ORDER**

Having considered the pleadings and arguments in this matter, and good cause appearing:

1. This Court finds that the government has destroyed records of telephone calls, Internet and telephone communications content, and Internet records in violation of its statutory and common law duties and the orders of this Court to preserve evidence; and
2. This Court thus finds that a rebuttable presumption exists for any trier of fact that the evidence destroyed by the government would have shown that the government has collected plaintiffs’ communications and communications records.

**IT IS SO ORDERED**

Date: \_\_\_\_\_

\_\_\_\_\_  
Honorable Jeffrey S. White  
United States District Judge