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Defendants.

Case4:08-cv-04373-JSW Document251-2 Filed06/23/14 Page1 of 4 RICHARD W. WIEKING IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA CAROLYN JEWEL, ET AL., Plaintiffs, No. C 08-04373 JSW NATIONAL SECURITY AGENCY, ET AL., Defendants. No. C 07-00693 JSW VIRGINIA SHUBERT, ET AL., Plaintiffs, ORDER v. BARACK OBAMA, ET AL.,

On June 12, 2014, the Court received an ex parte, in camera request from the Government Defendants lodged through the Classified Information Security Officer requesting an advance copy of the transcript prepared in the hearing held on Friday, June 6, 2014. According to the request, the National Security Agency indicated that Government counsel, Anthony J. Coppolino, may have inadvertently made a statement during the hearing that the NSA contends is classified.

The Court determined that the request itself does not disclose any classified material but merely involves the process by which potentially classified information should be maintained, and issued an order under seal which alerted Plaintiffs to the Government's request and required a response in writing.

Having received Plaintiffs' response, the Court now issues this Order requiring that the
Government Defendants file a reply, also under seal, which addresses: (1) whether they can
meet their substantial burden to request the redaction; (2) a proposed procedure for the Court to
make a determination regarding whether and how the specific portions of the transcript should
be redacted; and (3) a response to Plaintiffs' motion to unseal all of the filings regarding
Defendants' redaction request. The reply from the Government shall be made in writing and
filed and served under seal by no later than June 30, 2014.

JÉFFÆÐÝS. WHITE UNIÆÐ/SÆATES DISTRICT JUDGE

## IT IS SO ORDERED.

June 23, 2014 Dated:

	UNITED STATES DISTRICT COURT
1	FOR THE
2	NORTHERN DISTRICT OF CALIFORNIA
3	
4	CAROLYN JEWEL et al, Case Number: CV08-04373 JSW
5	Plaintiff,
6	v.
7	NATIONAL SECURITY AGENCY et al,
8	Defendant.
9	
10	VIRGINIA SHUBERT et al, Case Number: CV07-00693 JSW
11	Plaintiff,
12	v. CERTIFICATE OF SERVICE
13	GEORGE W BUSH et al,
14	Defendant.
15	I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.
16	
17 18	That on June 23, 2014, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.
19	Anthony Joseph Coppolino James J. Gilligan Marcia Berman U.S. Department of Justice, Civil Divisi 20 Massachusetts Avenue, N.W. Room 6102 Washington, DC 20530
20	
21	
22	
23	Cindy Ann Cohn Andrew Gellis Crocker Kurt Bradford Opsahl Electronic Frontier Foundation 815 Eddy Street San Francisco, CA 94109
24	
25	
26	Richard R. Wiebe Law Office Of Richard R. Wiebe One California Street
27	
28	Suite 900 San Francisco, CA 94111

Thomas Edward Moore Royse Law Firm 1717 Embarcadero Road Palo Alto, CA 94303
Ilann Margalit Maazel

Ilann Margalit Maazel Emery Celli Brinckerhoff & Abady LLP 75 Rockefeller Plaza 20<sup>th</sup> Floor New York, NY 10019

Dated: June 23, 2014

Richard W. Wieking, Clerk By: Jennifer Ottolini, Deputy Clerk