

**CASE No. 19-16066
(PRIOR APPEALS: NOS. 10-15616, 15-16133)**

**IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

**CAROLYN JEWEL, TASH HEPTING, ERIK KNUTZEN, YOUNG BOON HICKS (AS EXECUTRIX
OF THE ESTATE OF GREGORY HICKS), AND JOICE WALTON,**

PLAINTIFFS-APPELLANTS,

v.

NATIONAL SECURITY AGENCY, *ET AL.*,

DEFENDANTS-APPELLEES.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF CALIFORNIA, No. 08-CV-04373-JSW
THE HONORABLE JEFFREY S. WHITE, UNITED STATES DISTRICT JUDGE, PRESIDING

**APPELLANTS' EXCERPTS OF RECORD
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UNITED STATES DISTRICT COURT

15 NORTHERN DISTRICT OF CALIFORNIA

16 CAROLYN JEWEL, TASH HEPTING, GREGORY HICKS,)
ERIK KNUTZEN and JOICE WALTON, on behalf of)
17 themselves and all others similarly situated,)

18 Plaintiffs,)

19 vs.)

20 NATIONAL SECURITY AGENCY and KEITH B.)
ALEXANDER, its Director, in his official and personal)
21 capacities; MICHAEL V. HAYDEN, in his personal capacity;)
the UNITED STATES OF AMERICA; GEORGE W. BUSH,)
22 President of the United States, in his official and personal)
capacities; RICHARD B. CHENEY, in his personal capacity;)
23 DAVID S. ADDINGTON, in his personal capacity;)
DEPARTMENT OF JUSTICE and MICHAEL B.)
24 MUKASEY, its Attorney General, in his official and personal)
capacities; ALBERTO R. GONZALES, in his personal)
25 capacity; JOHN D. ASHCROFT, in his personal capacity;)
JOHN M. MCCONNELL, Director of National Intelligence, in)
26 his official and personal capacities; JOHN D. NEGROPONTE,)
in his personal capacity; and DOES #1-100, inclusive,)

27 Defendants.)
28)

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SEP 18 2008
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CRB

CASE NO:

CLASS ACTION

COMPLAINT FOR
CONSTITUTIONAL AND
STATUTORY
VIOLATIONS, SEEKING
DAMAGES,
DECLARATORY, AND
INJUNCTIVE RELIEF

DEMAND FOR JURY
TRIAL

1 1. Plaintiffs, on behalf of themselves and a class of similarly situated persons, bring this
2 action and allege upon personal knowledge and belief as to their own acts, and upon information and
3 belief (based on the investigation of counsel) as to all other matters, as to which allegations Plaintiffs
4 believe substantial evidentiary support exists or will exist after a reasonable opportunity for further
5 investigation and discovery, as follows:

6
7 **PRELIMINARY STATEMENT**

8 2. This case challenges an illegal and unconstitutional program of dragnet
9 communications surveillance conducted by the National Security Agency (the “NSA”) and other
10 Defendants in concert with major telecommunications companies (“Defendants” is defined
11 collectively as the named defendants and the Doe defendants as set forth in paragraphs 25 through
12 38 below).

13 3. This program of dragnet surveillance (the “Program”), first authorized by Executive
14 Order of the President in October of 2001 (the “Program Order”) and first revealed to the public in
15 December of 2005, continues to this day.
16

17 4. Some aspects of the Program were publicly acknowledged by the President in
18 December 2005 and later described as the “terrorist surveillance program” (“TSP”).

19 5. The President and other executive officials have described the TSP’s activities, which
20 were conducted outside the procedures of the Foreign Intelligence Surveillance Act (“FISA”) and
21 without authorization by the Foreign Intelligence Surveillance Court (“FISC”), as narrowly targeting
22 for interception the international communications of persons linked to Al Qaeda.
23

24 6. The Attorney General and the Director of National Intelligence have since publicly
25 admitted that the TSP was only one particular aspect of the surveillance activities authorized by the
26 Program Order.
27
28

1 7. In addition to eavesdropping on or reading specific communications, Defendants have
2 indiscriminately intercepted the communications content and obtained the communications records
3 of millions of ordinary Americans as part of the Program authorized by the President.

4 8. The core component of the Program is Defendants' nationwide network of
5 sophisticated communications surveillance devices, attached to the key facilities of
6 telecommunications companies such as AT&T that carry Americans' Internet and telephone
7 communications.

8 9. Using this shadow network of surveillance devices, Defendants have acquired and
9 continue to acquire the content of a significant portion of the phone calls, emails, instant messages,
10 text messages, web communications and other communications, both international and domestic, of
11 practically every American who uses the phone system or the Internet, including Plaintiffs and class
12 members, in an unprecedented suspicionless general search through the nation's communications
13 networks.

14 10. In addition to using surveillance devices to acquire the domestic and international
15 communications content of millions of ordinary Americans, Defendants have unlawfully solicited
16 and obtained from telecommunications companies such as AT&T the complete and ongoing
17 disclosure of the private telephone and Internet transactional records of those companies' millions of
18 customers (including communications records pertaining to Plaintiffs and class members),
19 communications records indicating who the customers communicated with, when and for how long,
20 among other sensitive information.

21 11. This non-content transactional information is analyzed by computers in conjunction
22 with the vast quantity of communications content acquired by Defendants' network of surveillance
23 devices, in order to select which communications are subjected to personal analysis by staff of the
24 NSA and other Defendants, in what has been described as a vast "data-mining" operation.
25
26
27
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1 12. Plaintiffs and class members are ordinary Americans who are current or former
2 subscribers to AT&T's telephone and/or Internet services.

3 13. Communications of Plaintiffs and class members have been and continue to be
4 illegally acquired by Defendants using surveillance devices attached to AT&T's network, and
5 Defendants have illegally solicited and obtained from AT&T the continuing disclosure of private
6 communications records pertaining to Plaintiffs and class members. Plaintiffs' communications or
7 activities have been and continue to be subject to electronic surveillance.

8 14. Plaintiffs are suing Defendants to enjoin their unlawful acquisition of the
9 communications and records of Plaintiffs and class members, to require the inventory and
10 destruction of those that have already been seized, and to obtain appropriate statutory, actual, and
11 punitive damages to deter future illegal surveillance.

12 JURISDICTION AND VENUE

13 15. This court has subject matter jurisdiction over the federal claims pursuant to 28
14 U.S.C. § 1331, 18 U.S.C. § 2712, and 5 U.S.C. § 702.

15 16. Plaintiffs are informed, believe and thereon allege that Defendants have sufficient
16 contacts with this district generally and, in particular, with the events herein alleged, that Defendants
17 are subject to the exercise of jurisdiction of this court over the person of such Defendants and that
18 venue is proper in this judicial district pursuant to 28 U.S.C. § 1391.

19 17. Plaintiffs are informed, believe and thereon allege that a substantial part of the events
20 giving rise to the claims herein alleged occurred in this district and that Defendants and/or agents of
21 Defendants may be found in this district.

22 18. **Intradistrict Assignment**: Assignment to the San Francisco/Oakland division is
23 proper pursuant to Local Rule 3-2(c) and (d) because a substantial portion of the events and
24 omissions giving rise to this lawsuit occurred in this district and division.

25 19. Plaintiffs have fully complied with the presentment of claim provisions of 28 U.S.C.
26 § 2675, as required for their claims under 18 U.S.C. § 2712. Plaintiffs timely served notice of their
27
28

1 claims on the NSA and the Department of Justice on December 19, 2007, and over six months have
2 passed since the filing of that notice.

3 **PARTIES**

4 20. Plaintiff Tash Hepting, a senior systems architect, is an individual residing in
5 Livermore, California. Hepting has been a subscriber and user of AT&T's residential long distance
6 telephone service since at least June 2004.

7
8 21. Plaintiff Gregory Hicks is an individual residing in San Jose, California. Hicks, a
9 retired Naval Officer and systems engineer, has been a subscriber and user of AT&T's residential
10 long distance telephone service since February 1995.

11 22. Plaintiff Carolyn Jewel is an individual residing in Petaluma, California. Jewel, a
12 database administrator and author, has been a subscriber and user of AT&T's WorldNet dial-up
13 Internet service since approximately June 2000.

14 23. Plaintiff Erik Knutzen is an individual residing in Los Angeles, California. Knutzen,
15 a photographer and land use researcher, was a subscriber and user of AT&T's WorldNet dial-up
16 Internet service from at least October 2003 until May 2005. Knutzen is currently a subscriber and
17 user of AT&T's High Speed Internet DSL service.

18
19 24. Plaintiff Joice Walton is an individual residing in San Jose, California. Walton, a
20 high technology purchasing agent, is a current subscriber and user of AT&T's WorldNet dial-up
21 Internet service. She has subscribed to and used this service since around April 2003.

22 25. Defendant National Security Agency (NSA) is an agency under the direction and
23 control of the Department of Defense that collects, processes and disseminates foreign signals
24 intelligence. It is responsible for carrying out the Program challenged herein.

25 26. Defendant Lieutenant General Keith B. Alexander is the current Director of the NSA,
26 in office since April 2005. As NSA Director, defendant Alexander has ultimate authority for
27 supervising and implementing all operations and functions of the NSA, including the Program.

28

1 27. Defendant Lieutenant General (Ret.) Michael V. Hayden is the former Director of the
2 NSA, in office from March 1999 to April 2005. While Director, Defendant Hayden had ultimate
3 authority for supervising and implementing all operations and functions of the NSA, including the
4 Program.

5 28. Defendant United States is the United States of America, its departments, agencies,
6 and entities.

7 29. Defendant George W. Bush is the current President of the United States, in office
8 since January 2001. Mr. Bush authorized and continues to authorize the Program.

9 30. Defendant Richard B. Cheney is the current Vice President of the United States, in
10 office since January 2001. Defendant Cheney was personally involved in the creation, development
11 and implementation of the Program.

12 31. Defendant David S. Addington is currently the chief of staff to Defendant Cheney, in
13 office since October 2005. Previously, Defendant Addington served as legal counsel to the Office of
14 the Vice President. Defendant Addington was personally involved in the creation, development and
15 implementation of the Program. On information and belief, Defendant Addington drafted the
16 documents that purportedly authorized the Program.

17 32. Defendant Department of Justice is a Cabinet-level executive department in the
18 United States government charged with law enforcement, defending the interests of the United States
19 according to the law, and ensuring fair and impartial administration of justice for all Americans.

20 33. Defendant Michael B. Mukasey is the current Attorney General of the United States,
21 in office since November 2007. As Attorney General, Defendant Mukasey approves and authorizes
22 the Program on behalf of the Department of Justice.

23 34. Defendant Alberto R. Gonzales is the former Attorney General of the United States,
24 in office from February 2005 to September 2007, and also served as White House Counsel to
25 President George W. Bush from January 2001 to February 2005. Defendant Gonzales was
26 personally involved in the creation, development and implementation of the Program. As Attorney
27

28

1 General, Defendant Gonzales authorized and approved the Program on behalf of the Department of
2 Justice.

3 35. Defendant John D. Ashcroft is the former Attorney General of the United States, in
4 office from January 2001 to February 2005. As Attorney General, Defendant Ashcroft authorized
5 and approved the Program on behalf of the Department of Justice.

6
7 36. Defendant Vice Admiral (Ret.) John M. McConnell is the Director of National
8 Intelligence (“DNI”), in office since February 2007. Defendant McConnell has authority over the
9 activities of the U.S. intelligence community, including the Program.

10 37. Defendant John D. Negroponte was the first Director of National Intelligence, in
11 office from April 2005 to February 2007. As DNI, Defendant Negroponte had authority over the
12 activities of the U.S. intelligence community, including the Program.

13 38. At all times relevant hereto, Defendants Doe Nos. 1-100, inclusive (the “Doe
14 defendants”), whose actual names Plaintiffs have been unable to ascertain notwithstanding
15 reasonable efforts to do so, but who are sued herein by the fictitious designation “Doe # 1” through
16 “Doe # 100,” were agents or employees of the NSA, the DOJ, the White House, or were other
17 government agencies or entities or the agents or employees of such agencies or entities, who
18 authorized or participated in the Program. Plaintiffs will amend this complaint to allege their true
19 names and capacities when ascertained. Upon information and belief each fictitiously named
20 Defendant is responsible in some manner for the occurrences herein alleged and the injuries to
21 Plaintiffs and class members herein alleged were proximately caused in relation to the conduct of
22 Does 1-100 as well as the named Defendants.

23 **FACTUAL ALLEGATIONS RELATED TO ALL COUNTS**

24 **THE PRESIDENT’S AUTHORIZATION OF THE PROGRAM**

25 39. On October 4, 2001, President Bush, in concert with White House Counsel Gonzales,
26 NSA Director Hayden, Attorney General Ashcroft and other Defendants, issued a secret presidential
27 order (the “Program Order”) authorizing a range of surveillance activities inside of the United States
28

1 without statutory authorization or court approval, including electronic surveillance of Americans'
2 telephone and Internet communications (the "Program").

3 40. This Program of surveillance inside the United States began at least by October 6,
4 2001, and continues to this day.

5 41. The President renewed and, on information and belief, renews his October 4, 2001
6 order approximately every 45 days.

7 42. The Program of domestic surveillance authorized by the President and conducted by
8 Defendants required and requires the assistance of major telecommunications companies such as
9 AT&T, whose cooperation in the Program was and on information and belief is obtained based on
10 periodic written requests from Defendants and/or other government agents indicating that the
11 President has authorized the Program's activities, and/or based on oral requests from Defendants
12 and/or other government agents.

13 43. The periodic written requests issued to colluding telecommunications companies,
14 including AT&T, have stated and on information and belief do state that the Program's activities
15 have been determined to be lawful by the Attorney General, except for one period of less than sixty
16 days.

17 44. On information and belief, at some point prior to March 9, 2004, the Department of
18 Justice concluded that certain aspects of the Program were in excess of the President's authority and
19 in violation of criminal law.

20 45. On Tuesday, March 9, 2004, Acting Attorney General James Comey advised the
21 Administration that he saw no legal basis for certain aspects of the Program. The then-current
22 Program authorization was set to expire March 11, 2004.

23 46. On Thursday, March 11, 2004, the President renewed the Program Order without a
24 certification from the Attorney General that the conduct it authorized was lawful.

25 47. On information and belief, the March 11 Program Order instead contained a statement
26 that the Program's activities had been determined to be lawful by Counsel to the President Alberto
27 Gonzales, and expressly claimed to override the Department of Justice's conclusion that the Program
28

1 was unlawful as well as any act of Congress or judicial decision purporting to constrain the
2 President's power as commander in chief.

3 48. For a period of less than sixty days, beginning on or around March 11, 2004, written
4 requests to the telecommunications companies asking for cooperation in the Program stated that the
5 Counsel to the President, rather than the Attorney General, had determined the Program's activities
6 to be legal.

7 49. By their conduct in authorizing, supervising, and implementing the Program,
8 Defendants, including the President, the Vice-President, the Attorneys General and the Directors of
9 NSA since October 2001, the Directors of National Intelligence since 2005 and the Doe defendants,
10 have aided, abetted, counseled, commanded, induced or procured the commission of all Program
11 activities herein alleged, and proximately caused all injuries to Plaintiffs herein alleged.

12 **THE NSA'S DRAGNET INTERCEPTION OF COMMUNICATIONS TRANSMITTED**
13 **THROUGH AT&T FACILITIES**

14 50. AT&T is a provider of electronic communications services, providing to the public
15 the ability to send or receive wire or electronic communications.

16 51. AT&T is also a provider of remote computing services, providing to the public
17 computer storage or processing services by means of an electronic communications system.

18 52. Plaintiffs and class members are, or at pertinent times were, subscribers to and/or
19 customers of AT&T's electronic communications services and/or computer storage or processing
20 services.

21 53. AT&T maintains domestic telecommunications facilities over which millions of
22 Americans' telephone and Internet communications pass every day.

23 54. These facilities allow for the transmission of interstate and/or foreign electronic voice
24 and data communications by the aid of wire, fiber optic cable, or other like connection between the
25 point of origin and the point of reception.

26 55. One of these AT&T facilities is located at on Folsom Street in San Francisco, CA (the
27 "Folsom Street Facility").
28

1 56. The Folsom Street Facility contains a “4ESS Switch Room.” A 4ESS switch is a type
2 of electronic switching system used to route long-distance telephone communications transiting
3 through the facility.

4 57. The Folsom Street Facility also contains a “WorldNet Internet Room” containing
5 large routers, racks of modems for AT&T customers’ WorldNet dial-up services, and other
6 telecommunications equipment through which wire and electronic communications to and from
7 AT&T’s dial-up and DSL Internet service subscribers, including emails, instant messages, Voice-
8 Over-Internet-Protocol (“VOIP”) conversations and web browsing requests, are transmitted.

9 58. The communications transmitted through the WorldNet Internet room are carried as
10 light signals on fiber-optic cables that are connected to routers for AT&T’s WorldNet Internet
11 service and are a part of AT&T’s Common Backbone Internet network (“CBB”), which comprises a
12 number of major hub facilities such as the Folsom Street Facility that are connected by a mesh of
13 high-speed fiber optic cables and that are used for the transmission of interstate and foreign
14 communications.

15 59. The WorldNet Internet Room is designed to route and transmit vast amounts of
16 Internet communications that are “peered” by AT&T between AT&T’s CBB and the networks of
17 other carriers, such as ConXion, Verio, XO, Genuity, Qwest, PAIX, Allegiance, Abovenet, Global
18 Crossing, C&W, UUNET, Level 3, Sprint, Telia, PSINet, and MAE-West. “Peering” is the process
19 whereby Internet providers interchange traffic destined for their respective customers, and for
20 customers of their customers.

21 60. Around January 2003, the NSA designed and implemented a program in collaboration
22 with AT&T to build a surveillance operation at AT&T’s Folsom Street Facility, inside a secret room
23 known as the “SG3 Secure Room”.

24 61. The SG3 Secure Room was built adjacent to the Folsom Street Facility’s 4ESS switch
25 room.

26 62. An AT&T employee cleared and approved by the NSA was charged with setting up
27 and maintaining the equipment in the SG3 Secure Room, and access to the room was likewise
28 controlled by those NSA-approved AT&T employees.

1 63. The SG3 Secure Room contains sophisticated computer equipment, including a
2 device know as a Narus Semantic Traffic Analyzer (the “Narus STA”), which is designed to analyze
3 large volumes of communications at high speed, and can be programmed to analyze the contents and
4 traffic patterns of communications according to user-defined rules.

5 64. By early 2003, AT&T—under the instruction and supervision of the NSA—had
6 connected the fiber-optic cables used to transmit electronic and wire communications through the
7 WorldNet Internet Room to a “splitter cabinet” that intercepts a copy of all communications
8 transmitted through the WorldNet Internet Room and diverts copies of those communications to the
9 equipment in the SG3 Secure Room. (Hereafter, the technical means used to receive the diverted
10 communications will be referred to as the “Surveillance Configuration.”)

11 65. The equipment in the SG3 Secure Room is in turn connected to a private high-speed
12 backbone network separate from the CBB (the “SG3 Network”).

13 66. NSA analysts communicate instructions to the SG3 Secure Room’s equipment,
14 including the Narus STA, using the SG3 Network, and the SG3 Secure Room’s equipment transmits
15 communications based on those rules back to NSA personnel using the SG3 Network.

16 67. The NSA in cooperation with AT&T has installed and is operating a nationwide
17 network of Surveillance Configurations in AT&T facilities across the country, connected to the SG3
18 Network.

19 68. This network of Surveillance Configurations includes surveillance devices installed at
20 AT&T facilities in Atlanta, GA; Bridgeton, MO; Los Angeles, CA; San Diego, CA; San Jose CA;
21 and/or Seattle, WA.

22 69. Those Surveillance Configurations divert all peered Internet traffic transiting those
23 facilities into SG3 Secure Rooms connected to the secure SG3 Network used by the NSA, and
24 information of interest is transmitted from the equipment in the SG3 Secure Rooms to the NSA
25 based on rules programmed by the NSA.

26 70. This network of Surveillance Configurations indiscriminately acquires domestic
27 communications as well as international and foreign communications.

28

1 71. This network of Surveillance Configurations involves considerably more locations
2 than would be required to capture the majority of international traffic.

3 72. This network of Surveillance Configurations acquires over half of AT&T's purely
4 domestic Internet traffic, representing almost all of the AT&T traffic to and from other providers,
5 and comprising approximately 10% of all purely domestic Internet communications in the United
6 States, including those of non-AT&T customers.

7 73. Through this network of Surveillance Configurations and/or by other means,
8 Defendants have acquired and continue to acquire the contents of domestic and international wire
9 and/or electronic communications sent and/or received by Plaintiffs and class members, as well as
10 non-content dialing, routing, addressing and/or signaling information pertaining to those
11 communications.

12 74. In addition to acquiring all of the Internet communications passing through a number
13 of key AT&T facilities, Defendants and AT&T acquire all or most long-distance domestic and
14 international phone calls to or from AT&T long-distance customers, including both the content of
15 those calls and dialing, routing, addressing and/or signaling information pertaining to those calls, by
16 using a similarly nationwide network of surveillance devices attached to AT&T's long-distance
17 telephone switching facilities, and/or by other means.

18 75. The contents of communications to which Plaintiffs and class members were a party,
19 and dialing, routing, addressing, and/or signaling information pertaining to those communications,
20 were and are acquired by Defendants in cooperation with AT&T by using the nationwide network of
21 Surveillance Configurations, and/or by other means.

22 76. Defendants' above-described acquisition in cooperation with AT&T of Plaintiffs' and
23 class members' communications contents and non-content information is done without judicial,
24 statutory, or other lawful authorization, in violation of statutory and constitutional limitations, and in
25 excess of statutory and constitutional authority.

26 77. Defendants' above-described acquisition in cooperation with AT&T of Plaintiffs'
27 and class members' communications contents and non-content information is done without
28

1 probable cause or reasonable suspicion to believe that Plaintiffs or class members have
2 committed or are about to commit any crime or engage in any terrorist activity.

3 78. Defendants' above-described acquisition in cooperation with AT&T of Plaintiffs' and
4 class members' communications contents and non-content information is done without probable
5 cause or reasonable suspicion to believe that Plaintiffs or class members are foreign powers or agents
6 thereof.

7 79. Defendants' above-described acquisition in cooperation with AT&T of Plaintiffs' and
8 class members' communications contents and non-content information is done without any reason to
9 believe that the information is relevant to an authorized criminal investigation or to an authorized
10 investigation to protect against international terrorism or clandestine intelligence activities.

11 80. Defendants' above-described acquisition in cooperation with AT&T of Plaintiffs' and
12 class members' communications contents and non-content information was directly performed,
13 and/or aided, abetted, counseled, commanded, induced or procured, by Defendants.

14 81. On information and belief, Defendants will continue to directly acquire, and/or aid,
15 abet, counsel, command, induce or procure the above-described acquisition in cooperation with
16 AT&T, the communications contents and non-content information of Plaintiffs and class members.

17 **THE NSA'S DRAGNET COLLECTION OF COMMUNICATIONS RECORDS FROM**
18 **AT&T DATABASES**

19 82. Defendants have since October 2001 continuously solicited and obtained the
20 disclosure of all information in AT&T's major databases of stored telephone and Internet records,
21 including up-to-the-minute updates to the databases that are disclosed in or near real-time.

22 83. Defendants have solicited and obtained from AT&T records concerning
23 communications to which Plaintiffs and class members were a party, and continue to do so.

24 84. In particular, Defendants have solicited and obtained the disclosure of information
25 managed by AT&T's "Daytona" database management technology, which includes records
26 concerning both telephone and Internet communications, and continues to do so.
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1 85. Daytona is a database management technology designed to handle very large
2 databases and is used to manage “Hawkeye,” AT&T’s call detail record (“CDR”) database, which
3 contains records of nearly every telephone communication carried over its domestic network since
4 approximately 2001, records that include the originating and terminating telephone numbers and the
5 time and length for each call.

6
7 86. The Hawkeye CDR database contains records or other information pertaining to
8 Plaintiffs’ and class members’ use of AT&T’s long distance telephone service and dial-up Internet
9 service.

10 87. As of September 2005, all of the CDR data managed by Daytona, when
11 uncompressed, totaled more than 312 terabytes.

12 88. Daytona is also used to manage AT&T’s huge network-security database, known as
13 “Aurora,” which has been used to store Internet traffic data since approximately 2003. The Aurora
14 database contains huge amounts of data acquired by firewalls, routers, honeypots and other devices
15 on AT&T’s global IP (Internet Protocol) network and other networks connected to AT&T’s network.

16 89. The Aurora database managed by Daytona contains records or other information
17 pertaining to Plaintiffs’ and class members’ use of AT&T’s Internet services.

18 90. Since October 6, 2001 or shortly thereafter, Defendants have continually solicited and
19 obtained from AT&T disclosure of the contents of the Hawkeye and Aurora communications records
20 databases and/or other AT&T communications records, including records or other information
21 pertaining to Plaintiffs’ and class members’ use of AT&T’s telephone and Internet services.

22 91. The NSA and/or other Defendants maintain the communications records disclosed by
23 AT&T in their own database or databases of such records.

24 92. Defendants’ above-described solicitation of the disclosure by AT&T of Plaintiffs’ and
25 class members’ communications records, and its receipt of such disclosure, is done without judicial,
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1 statutory, or other lawful authorization, in violation of statutory and constitutional limitations, and in
2 excess of statutory and constitutional authority.

3 93. Defendants' above-described solicitation of the disclosure by AT&T of Plaintiffs'
4 and class members' communications records, and its receipt of such disclosure, is done without
5 probable cause or reasonable suspicion to believe that Plaintiffs' or class members have
6 committed or are about to commit any crime or engage in any terrorist activity.

7
8 94. Defendants' above-described solicitation of the disclosure by AT&T of Plaintiffs' and
9 class members' communications records, and its receipt of such disclosure, is done without probable
10 cause or reasonable suspicion to believe that Plaintiffs' or class members are foreign powers or agents
11 thereof.

12 95. Defendants' above-described solicitation of the disclosure by AT&T of Plaintiffs' and
13 class members' communications records, and its receipt of such disclosure, is done without any
14 reason to believe that the information is relevant to an authorized criminal investigation or to an
15 authorized investigation to protect against international terrorism or clandestine intelligence activities.

16 96. Defendants' above-described solicitation of the disclosure by AT&T of Plaintiffs' and
17 class members' communications records, and its receipt of such disclosure, is directly performed,
18 and/or aided, abetted, counseled, commanded, induced or procured, by Defendants.

19 97. On information and belief, Defendants will continue to directly solicit and obtain
20 AT&T's disclosure of its communications records, including records pertaining to Plaintiffs and
21 class members, and/or will continue to aid, abet, counsel, command, induce or procure that conduct.

22 **CLASS ACTION ALLEGATIONS**

23 98. Pursuant to Federal Rules of Civil Procedure, Rule 23(b)(2), Plaintiffs Hepting,
24 Hicks, Jewel, Knutzen, and Walton bring this action on behalf of themselves and a class of similarly
25 situated persons defined as:
26

27 All individuals in the United States that are current residential subscribers or
28 customers of AT&T's telephone services or Internet services, or that were residential
telephone or Internet subscribers or customers at any time after September 2001.

1 99. The class seeks certification of claims for declaratory, injunctive and other equitable
2 relief pursuant to 18 U.S.C. §2520, 18 U.S.C. §2707 and 5 U.S.C. § 702, in addition to declaratory
3 and injunctive relief for violations of the First and Fourth Amendments. Members of the class
4 expressly and personally retain any and all damages claims they individually may possess arising out
5 of or relating to the acts, events, and transactions that form the basis of this action. The individual
6 damages claims of the class members are outside the scope of this class action.

7
8 100. Excluded from the class are the individual Defendants, all who have acted in active
9 concert and participation with the individual Defendants, and the legal representatives, heirs,
10 successors, and assigns of the individual Defendants.

11 101. Also excluded from the class are any foreign powers, as defined by 50 U.S.C.
12 § 1801(a), or any agents of foreign powers, as defined by 50 U.S.C. § 1801(b)(1)(A), including
13 without limitation anyone who knowingly engages in sabotage or international terrorism, or
14 activities that are in preparation therefore.

15
16 102. This action is brought as a class action and may properly be so maintained pursuant to
17 the provisions of the Federal Rules of Civil Procedure, Rule 23. Plaintiffs reserve the right to
18 modify the class definition and the class period based on the results of discovery.

19 103. **Numerosity of the Class:** Members of the class are so numerous that their individual
20 joinder is impracticable. The precise numbers and addresses of members of the class are unknown to
21 the Plaintiffs. Plaintiffs estimate that the class consists of millions of members. The precise number
22 of persons in the class and their identities and addresses may be ascertained from Defendants' and
23 AT&T's records.

24
25 104. **Existence of Common Questions of Fact and Law:** There is a well-defined
26 community of interest in the questions of law and fact involved affecting the members of the class.
27 These common legal and factual questions include:
28

1 (a) Whether Defendants have violated the First and Fourth Amendment rights of
2 class members, or are currently doing so;

3 (b) Whether Defendants have subjected class members to electronic surveillance,
4 or have disclosed or used information obtained by electronic surveillance of the class members, in
5 violation of 50 U.S.C. § 1809, or are currently doing so;

6 (c) Whether Defendants have intercepted, used or disclosed class members'
7 communications in violation of 18 U.S.C. § 2511, or are currently doing so;

8 (d) Whether Defendants have solicited and obtained the disclosure of the contents
9 of class members' communications in violation of 18 U.S.C. § 2703(a) or (b), or are currently doing
10 so;

11 (e) Whether Defendants have solicited or obtained the disclosure of non-content
12 records or other information pertaining to class members in violation of 18 U.S.C. § 2703(c), or are
13 currently doing so;

14 (f) Whether Defendants have violated the Administrative Procedures Act, 5
15 U.S.C. §§ 701 *et seq.*, or are currently doing so;

16 (g) Whether the Defendants have violated the constitutional principle of
17 separation of powers, or are currently doing so;

18 (h) Whether Plaintiffs and class members are entitled to injunctive, declaratory,
19 and other equitable relief against Defendants;

20 (i) Whether Plaintiffs and class members are entitled to an award of reasonable
21 attorneys' fees and costs of this suit.

22 105. **Typicality:** Plaintiffs' claims are typical of the claims of the members of the class
23 because Plaintiffs are or were subscribers to the Internet and telephone services of Defendants.
24 Plaintiffs and all members of the class have similarly suffered harm arising from Defendants'
25 violations of law, as alleged herein.

26 106. **Adequacy:** Plaintiffs are adequate representatives of the class because their interests
27 do not conflict with the interests of the members of the class they seek to represent. Plaintiffs have
28

1 retained counsel competent and experienced in complex class action litigation and Plaintiffs intends
2 to prosecute this action vigorously. Plaintiffs and their counsel will fairly and adequately protect the
3 interests of the members of the class.

4 107. This suit may be maintained as a class action pursuant to Federal Rules of Civil
5 Procedure, Rule 23(b)(2) because Plaintiffs and the class seek declaratory and injunctive relief, and
6 all of the above factors of numerosity, common questions of fact and law, typicality and adequacy
7 are present. Moreover, Defendants have acted on grounds generally applicable to Plaintiffs and the
8 class as a whole, thereby making declaratory and/or injunctive relief proper.

9
10 **COUNT I**

11 **Violation of Fourth Amendment—Declaratory, Injunctive, and Equitable Relief**

12 **(Named Plaintiffs and Class vs. Defendants United States, National Security Agency,**
13 **Department of Justice, Bush (in his official and personal capacities), Alexander (in his**
14 **official and personal capacities), Mukasey (in his official and personal capacities),**
15 **McConnell (in his official and personal capacities), and one or more of the Doe Defendants)**

16 108. Plaintiffs repeat and incorporate herein by reference the allegations in the preceding
17 paragraphs of this complaint, as if set forth fully herein.

18 109. Plaintiffs and class members have a reasonable expectation of privacy in their
19 communications, contents of communications, and/or records pertaining to their communications
20 transmitted, collected, and/or stored by AT&T.

21 110. Defendants have directly performed, or aided, abetted, counseled, commanded,
22 induced, procured, encouraged, promoted, instigated, advised, willfully caused, participated in,
23 enabled, contributed to, facilitated, directed, controlled, assisted in, or conspired in the commission
24 of the above-described acts of acquisition, interception, disclosure, divulgence and/or use of
25 Plaintiffs' and class members' communications, contents of communications, and records pertaining
26 to their communications transmitted, collected, and/or stored by AT&T, without judicial or other
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1 lawful authorization, probable cause, and/or individualized suspicion, in violation of statutory and
2 constitutional limitations, and in excess of statutory and constitutional authority.

3 111. AT&T acted as the agent of Defendants in performing, participating in, enabling,
4 contributing to, facilitating, or assisting in the commission of the above-described acts of acquisition,
5 interception, disclosure, divulgence and/or use of Plaintiffs' and class members' communications,
6 contents of communications, and records pertaining to their communications transmitted, collected,
7 and/or stored by AT&T, without judicial or other lawful authorization, probable cause, and/or
8 individualized suspicion.
9

10 112. At all relevant times, Defendants committed, knew of and/or acquiesced in all of the
11 above-described acts, and failed to respect the Fourth Amendment rights of Plaintiffs and class
12 members by obtaining judicial or other lawful authorization and by conforming their conduct to the
13 requirements of the Fourth Amendment.
14

15 113. By the acts alleged herein, Defendants have violated Plaintiffs' and class members'
16 reasonable expectations of privacy and denied Plaintiffs and class members their right to be free
17 from unreasonable searches and seizures as guaranteed by the Fourth Amendment to the Constitution
18 of the United States.

19 114. By the acts alleged herein, Defendants' conduct has proximately caused harm to
20 Plaintiffs and class members.
21

22 115. Defendants' conduct was done intentionally, with deliberate indifference, or with
23 reckless disregard of, Plaintiffs' and class members' constitutional rights.

24 116. On information and belief, the Count I Defendants are now engaging in and will
25 continue to engage in the above-described violations of Plaintiffs' and class members' constitutional
26 rights, and are thereby irreparably harming Plaintiffs and class members. Plaintiffs and class
27 members have no adequate remedy at law for the Count I Defendants' continuing unlawful conduct,
28

1 and the Count I Defendants will continue to violate Plaintiffs' and class members' legal rights unless
2 enjoined and restrained by this Court.

3 117. Plaintiffs seek that this Court declare that Defendants have violated their rights and
4 the rights of the class; enjoin the Count I Defendants, their agents, successors, and assigns, and all
5 those in active concert and participation with them from violating the Plaintiffs' and class members'
6 rights under the Fourth Amendment to the United States Constitution; and award such other and
7 further equitable relief as is proper.

9 **COUNT II**

10 **Violation of Fourth Amendment—Damages**

11 **(Named Plaintiffs vs. Defendants Alexander (in his personal capacity), Hayden (in his**
12 **personal capacity), Cheney (in his personal capacity), Addington (in his personal capacity),**
13 **Mukasey (in his personal capacity), Gonzales (in his personal capacity), Ashcroft (in his**
14 **personal capacity), McConnell (in his personal capacity), Negroponte (in his personal**
15 **capacity), and one or more of the Doe Defendants)**

16 118. Plaintiffs repeat and incorporate herein by reference the allegations in the preceding
17 paragraphs of this complaint, as if set forth fully herein.

18 119. Plaintiffs have a reasonable expectation of privacy in their communications, contents
19 of communications, and/or records pertaining to their communications transmitted, collected, and/or
20 stored by AT&T.

21 120. Defendants have directly performed, or aided, abetted, counseled, commanded,
22 induced, procured, encouraged, promoted, instigated, advised, willfully caused, participated in,
23 enabled, contributed to, facilitated, directed, controlled, assisted in, or conspired in the commission
24 of the above-described acts of acquisition, interception, disclosure, divulgence and/or use of
25 Plaintiffs' communications, contents of communications, and records pertaining to their
26 communications transmitted, collected, and/or stored by AT&T without judicial or other lawful

1 authorization, probable cause, and/or individualized suspicion, in violation of statutory and
2 constitutional limitations, and in excess of statutory and constitutional authority.

3 121. AT&T acted as the agent of Defendants in performing, participating in, enabling,
4 contributing to, facilitating, or assisting in the commission of the above-described acts of acquisition,
5 interception, disclosure, divulgence and/or use of Plaintiffs' communications, contents of
6 communications, and records pertaining to their communications transmitted, collected, and/or
7 stored by AT&T without judicial or other lawful authorization, probable cause, and/or individualized
8 suspicion.

9
10 122. At all relevant times, Defendants committed, knew of and/or acquiesced in all of the
11 above-described acts, and failed to respect the Fourth Amendment rights of Plaintiffs by obtaining
12 judicial or other lawful authorization and conforming their conduct to the requirements of the Fourth
13 Amendment.

14
15 123. By the acts alleged herein, Defendants have violated Plaintiffs' reasonable
16 expectations of privacy and denied Plaintiffs their right to be free from unreasonable searches and
17 seizures as guaranteed by the Fourth Amendment to the Constitution of the United States.

18 124. By the acts alleged herein, Defendants' conduct has proximately caused harm to
19 Plaintiffs.

20 125. Defendants' conduct was done intentionally, with deliberate indifference, or with
21 reckless disregard of, Plaintiffs' constitutional rights.

22
23 126. Plaintiffs seek an award of their actual damages and punitive damages against the
24 Count II Defendants, and such other or further relief as is proper.

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COUNT III

Violation of First Amendment—Declaratory, Injunctive, and Other Equitable Relief

(Named Plaintiffs and Class vs. Defendants United States, National Security Agency, Department of Justice, Bush (in his official and personal capacities), Alexander (in his official and personal capacities), Mukasey (in his official and personal capacities), and McConnell (in his official and personal capacities), and one or more of the Doe Defendants)

127. Plaintiffs repeat and incorporate herein by reference the allegations in the preceding paragraphs of this complaint, as if set forth fully herein.

128. Plaintiffs and class members use AT&T's services to speak or receive speech anonymously and to associate privately.

129. Defendants directly performed, or aided, abetted, counseled, commanded, induced, procured, encouraged, promoted, instigated, advised, willfully caused, participated in, enabled, contributed to, facilitated, directed, controlled, assisted in, or conspired in the commission of the above-described acts of acquisition, interception, disclosure, divulgence and/or use of Plaintiffs' and class members' communications, contents of communications, and records pertaining to their communications without judicial or other lawful authorization, probable cause, and/or individualized suspicion, in violation of statutory and constitutional limitations, and in excess of statutory and constitutional authority.

130. AT&T acted as the agent of Defendants in performing, participating in, enabling, contributing to, facilitating, or assisting in the commission of the above-described acts of acquisition, interception, disclosure, divulgence and/or use of Plaintiffs' communications, contents of communications, and records pertaining to their communications transmitted, collected, and/or stored by AT&T without judicial or other lawful authorization, probable cause, and/or individualized suspicion.

131. By the acts alleged herein, Defendants violated Plaintiffs' and class members' rights to speak and to receive speech anonymously and associate privately under the First Amendment.

1 138. Defendants directly performed, or aided, abetted, counseled, commanded, induced,
2 procured, encouraged, promoted, instigated, advised, willfully caused, participated in, enabled,
3 contributed to, facilitated, directed, controlled, assisted in, or conspired in the commission of the
4 above-described acts of acquisition, interception, disclosure, divulgence and/or use of Plaintiffs'
5 communications, contents of communications, and records pertaining to their communications
6 without judicial or other lawful authorization, probable cause, and/or individualized suspicion, in
7 violation of statutory and constitutional limitations, and in excess of statutory and constitutional
8 authority.

10 139. By the acts alleged herein, Defendants violated Plaintiffs' rights to speak and receive
11 speech anonymously and associate privately under the First Amendment.

12 140. By the acts alleged herein, Defendants' conduct proximately caused harm to
13 Plaintiffs.

14 141. Defendants' conduct was done intentionally, with deliberate indifference, or with
15 reckless disregard of, Plaintiffs' constitutional rights.

16 142. Plaintiffs seek an award of their actual damages and punitive damages against the
17 Count IV Defendants, and for such other or further relief as is proper.

18
19 **COUNT V**

20 **Violation of Foreign Intelligence Surveillance Act—Declaratory, Injunctive and Other**
21 **Equitable Relief**

22 **(Named Plaintiffs and Class vs. Defendants Alexander (in his official and personal**
23 **capacities), Mukasey (in his official and personal capacities), and McConnell (in his official**
24 **and personal capacities), and one or more of the Doe Defendants)**

25 143. Plaintiffs repeat and incorporate herein by reference the allegations in the preceding
26 paragraphs of this complaint, as if set forth fully herein.

27 144. In relevant part, 50 U.S.C. § 1809 provides that:

28 (a) Prohibited activities—A person is guilty of an offense if he intentionally—(1) engages in electronic surveillance under color of law

1 except as authorized by this chapter, chapter 119, 121, or 206 of Title 18 or
2 any express statutory authorization that is an additional exclusive means for
3 conducting electronic surveillance under section 1812 of this title; or (2)
4 discloses or uses information obtained under color of law by electronic
5 surveillance, knowing or having reason to know that the information was
6 obtained through electronic surveillance not authorized by this chapter,
7 chapter 119, 121, or 206 of Title 18 or any express statutory authorization
8 that is an additional exclusive means for conducting electronic surveillance
9 under section 1812 of this title.

10 145. In relevant part 50 U.S.C. § 1801 provides that:

11 (f) “Electronic surveillance” means – (1) the acquisition by an electronic,
12 mechanical, or other surveillance device of the contents of any wire or radio
13 communication sent by or intended to be received by a particular, known
14 United States person who is in the United States, if the contents are acquired
15 by intentionally targeting that United States person, under circumstances in
16 which a person has a reasonable expectation of privacy and a warrant would
17 be required for law enforcement purposes; (2) the acquisition by an
18 electronic, mechanical, or other surveillance device of the contents of any
19 wire communication to or from a person in the United States, without the
20 consent of any party thereto, if such acquisition occurs in the United States,
21 but does not include the acquisition of those communications of computer
22 trespassers that would be permissible under section 2511(2)(i) of Title 18; (3)
23 the intentional acquisition by an electronic, mechanical, or other surveillance
24 device of the contents of any radio communication, under circumstances in
25 which a person has a reasonable expectation of privacy and a warrant would
26 be required for law enforcement purposes, and if both the sender and all
27 intended recipients are located within the United States; or (4) the installation
28 or use of an electronic, mechanical, or other surveillance device in the United
 States for monitoring to acquire information, other than from a wire or radio
 communication, under circumstances in which a person has a reasonable
 expectation of privacy and a warrant would be required for law enforcement
 purposes.

20 146. 18 U.S.C. § 2511(2)(f) further provides in relevant part that “procedures in this
21 chapter or chapter 121 and the Foreign Intelligence Surveillance Act of 1978 shall be the *exclusive*
22 *means* by which electronic surveillance, as defined in section 101 [50 U.S.C. § 1801] of such Act,
23 and the interception of domestic wire, oral, and electronic communications may be conducted.”
24

25 (Emphasis added.)

26 147. 50 U.S.C. § 1812 further provides in relevant part that:

27 (a) Except as provided in subsection (b), the procedures of chapters 119, 121,
28 and 206 of Title 18 and this chapter shall be the *exclusive means* by which

1 electronic surveillance and the interception of domestic wire, oral, or
2 electronic communications may be conducted.

3 (b) Only an express statutory authorization for electronic surveillance or the
4 interception of domestic wire, oral, or electronic communications, other than
as an amendment to this chapter or chapters 119, 121, or 206 of Title 18 shall
constitute an additional exclusive means for the purpose of subsection (a).

5 (Emphasis added.)

6 148. Defendants intentionally acquired, or aided, abetted, counseled, commanded, induced,
7 procured, encouraged, promoted, instigated, advised, willfully caused, participated in, enabled,
8 contributed to, facilitated, directed, controlled, assisted in, or conspired in the commission of such
9 acquisition, by means of a surveillance device, the contents of one or more wire communications to
10 or from Plaintiffs and class members or other information in which Plaintiffs or class members have
11 a reasonable expectation of privacy, without the consent of any party thereto, and such acquisition
12 occurred in the United States.

14 149. AT&T acted as the agent of Defendants in performing, participating in, enabling,
15 contributing to, facilitating, or assisting in the commission of the above-described acts of acquisition
16 of Plaintiffs' communications.

17 150. By the acts alleged herein, Defendants acting in excess of their statutory authority and
18 in violation of statutory limitations have intentionally engaged in, or aided, abetted, counseled,
19 commanded, induced, procured, encouraged, promoted, instigated, advised, willfully caused,
20 participated in, enabled, contributed to, facilitated, directed, controlled, assisted in, or conspired in
21 the commission of, electronic surveillance (as defined by 50 U.S.C. § 1801(f)) under color of law,
22 not authorized by any statute, to which Plaintiffs and class members were subjected in violation of
23 50 U.S.C. § 1809.

25 151. Additionally or in the alternative, by the acts alleged herein, Defendants acting in
26 excess of their statutory authority and in violation of statutory limitations have intentionally
27 disclosed or used information obtained under color of law by electronic surveillance, knowing or
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1 having reason to know that the information was obtained through electronic surveillance not
2 authorized by statute, including information pertaining to Plaintiffs and class members, or aided,
3 abetted, counseled, commanded, induced, procured, encouraged, promoted, instigated, advised,
4 willfully caused, participated in, enabled, contributed to, facilitated, directed, controlled, assisted in,
5 or conspired in the commission of such acts.

6
7 152. Defendants did not notify Plaintiffs or class members of the above-described
8 electronic surveillance, disclosure, and/or use, nor did Plaintiffs or class members consent to such.

9 153. Plaintiffs and class members have been and are aggrieved by Defendants' electronic
10 surveillance, disclosure, and/or use of their wire communications.

11 154. On information and belief, the Count V Defendants are now engaging in and will
12 continue to engage in the above-described acts resulting in the electronic surveillance, disclosure,
13 and/or use of Plaintiffs' and class members' wire communications, acting in excess of the Count V
14 Defendants' statutory authority and in violation of statutory limitations, including 50 U.S.C. § 1809
15 and 18 U.S.C. § 2511(2)(f), and are thereby irreparably harming Plaintiffs and class members.
16 Plaintiffs and class members have no adequate remedy at law for the Count V Defendants'
17 continuing unlawful conduct, and the Count V Defendants will continue to violate Plaintiffs' and
18 class members' legal rights unless enjoined and restrained by this Court.

19
20 155. Pursuant to *Larson v. United States*, 337 U.S. 682 (1949) and to 5 U.S.C. § 702,
21 Plaintiffs seek that this Court declare that Defendants have violated their rights and the rights of the
22 class; enjoin the Count V Defendants, their agents, successors, and assigns, and all those in active
23 concert and participation with them from violating the Plaintiffs' and class members' statutory
24 rights, including their rights under 50 U.S.C. §§ 1801 *et seq.*; and award such other and further
25 equitable relief as is proper.
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COUNT VI

Violation of 50 U.S.C. § 1809, actionable under 50 U.S.C. § 1810—Damages

(Named Plaintiffs vs. Defendants United States, National Security Agency, Department of Justice, Alexander (in his official and personal capacities), Hayden (in his personal capacity), Cheney (in his personal capacity), Addington (in his personal capacity), Mukasey (in his official and personal capacities), Gonzales (in his personal capacity), Ashcroft (in his personal capacity), McConnell (in his official and personal capacities), and Negroponte (in his personal capacity), and one or more of the Doe Defendants)

156. Plaintiffs repeat and incorporate herein by reference the allegations in the preceding paragraphs of this complaint, as if set forth fully herein.

157. In relevant part, 50 U.S.C. § 1809 provides that:

(a) Prohibited activities—A person is guilty of an offense if he intentionally—(1) engages in electronic surveillance under color of law except as authorized by this chapter, chapter 119, 121, or 206 of Title 18 or any express statutory authorization that is an additional exclusive means for conducting electronic surveillance under section 1812 of this title; or (2) discloses or uses information obtained under color of law by electronic surveillance, knowing or having reason to know that the information was obtained through electronic surveillance not authorized by this chapter, chapter 119, 121, or 206 of Title 18 or any express statutory authorization that is an additional exclusive means for conducting electronic surveillance under section 1812 of this title.

158. In relevant part 50 U.S.C. § 1801 provides that:

(f) “Electronic surveillance” means – (1) the acquisition by an electronic, mechanical, or other surveillance device of the contents of any wire or radio communication sent by or intended to be received by a particular, known United States person who is in the United States, if the contents are acquired by intentionally targeting that United States person, under circumstances in which a person has a reasonable expectation of privacy and a warrant would be required for law enforcement purposes; (2) the acquisition by an electronic, mechanical, or other surveillance device of the contents of any wire communication to or from a person in the United States, without the consent of any party thereto, if such acquisition occurs in the United States, but does not include the acquisition of those communications of computer trespassers that would be permissible under section 2511(2)(i) of Title 18; (3) the intentional acquisition by an electronic, mechanical, or other surveillance device of the contents of any radio communication, under circumstances in which a person has a reasonable expectation of privacy and a warrant would be required for law enforcement purposes, and if both the sender and all intended recipients are located within the United States; or (4) the installation or use of an electronic, mechanical, or other surveillance device in the United States for monitoring to acquire information, other than from a wire or radio

1 communication, under circumstances in which a person has a reasonable
2 expectation of privacy and a warrant would be required for law enforcement
3 purposes.

4 159. 18 U.S.C. § 2511(2)(f) further provides in relevant part that “procedures in this
5 chapter or chapter 121 and the Foreign Intelligence Surveillance Act of 1978 shall be the *exclusive*
6 *means* by which electronic surveillance, as defined in section 101 [50 U.S.C. § 1801] of such Act,
7 and the interception of domestic wire, oral, and electronic communications may be conducted.”

8 (Emphasis added.)

9 160. 50 U.S.C. § 1812 further provides in relevant part that:

10 (a) Except as provided in subsection (b), the procedures of chapters 119, 121,
11 and 206 of Title 18 and this chapter shall be the *exclusive means* by which
12 electronic surveillance and the interception of domestic wire, oral, or
13 electronic communications may be conducted.

14 (b) Only an express statutory authorization for electronic surveillance or the
15 interception of domestic wire, oral, or electronic communications, other than
16 as an amendment to this chapter or chapters 119, 121, or 206 of Title 18 shall
17 constitute an additional exclusive means for the purpose of subsection (a).

18 (Emphasis added.)

19 161. Defendants intentionally acquired, or aided, abetted, counseled, commanded, induced,
20 procured, encouraged, promoted, instigated, advised, willfully caused, participated in, enabled,
21 contributed to, facilitated, directed, controlled, assisted in, or conspired in the commission of such
22 acquisition, by means of a surveillance device, the contents of one or more wire communications to
23 or from Plaintiffs or other information in which Plaintiffs have a reasonable expectation of privacy,
24 without the consent of any party thereto, and such acquisition occurred in the United States.

25 162. AT&T acted as the agent of Defendants in performing, participating in, enabling,
26 contributing to, facilitating, or assisting in the commission of the above-described acts of acquisition
27 of Plaintiffs’ communications.

28 163. By the acts alleged herein, Defendants have intentionally engaged in, or aided,
abetted, counseled, commanded, induced, procured, encouraged, promoted, instigated, advised,

1 willfully caused, participated in, enabled, contributed to, facilitated, directed, controlled, assisted in,
2 or conspired in the commission of, electronic surveillance (as defined by 50 U.S.C. § 1801(f)) under
3 color of law, not authorized by any statute, to which Plaintiffs were subjected in violation of 50
4 U.S.C. § 1809.

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6 164. Additionally or in the alternative, by the acts alleged herein, Defendants have
7 intentionally disclosed or used information obtained under color of law by electronic surveillance,
8 knowing or having reason to know that the information was obtained through electronic surveillance
9 not authorized by statute, including information pertaining to Plaintiffs, or aided, abetted, counseled,
10 commanded, induced, procured, encouraged, promoted, instigated, advised, willfully caused,
11 participated in, enabled, contributed to, facilitated, directed, controlled, assisted in, or conspired in
12 the commission of such acts.

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14 165. Defendants did not notify Plaintiffs of the above-described electronic surveillance,
15 disclosure, and/or use, nor did Plaintiffs consent to such.

16 166. Plaintiffs have been and are aggrieved by Defendants' electronic surveillance,
17 disclosure, and/or use of their wire communications.

18 167. Pursuant to 50 U.S.C. § 1810, which provides a civil action for any person who has
19 been subjected to an electronic surveillance or about whom information obtained by electronic
20 surveillance of such person has been disclosed or used in violation of 50 U.S.C. § 1809, Plaintiffs
21 seek from the Count VI Defendants for each Plaintiff their statutory damages or actual damages;
22 punitive damages as appropriate; and such other and further relief as is proper.
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COUNT VII

Violation of 18 U.S.C. § 2511—Declaratory, Injunctive, and Other Equitable Relief

(Named Plaintiffs and Class vs. Defendants Alexander (in his official and personal capacities), Mukasey (in his official and personal capacities), and McConnell (in his official and personal capacities), and one or more of the Doe Defendants)

168. Plaintiffs repeat and incorporate herein by reference the allegations in the preceding paragraphs of this complaint, as if set forth fully herein.

169. In relevant part, 18 U.S.C. § 2511 provides that:

(1) Except as otherwise specifically provided in this chapter any person who – (a) intentionally intercepts, endeavors to intercept, or procures any other person to intercept or endeavor to intercept, any wire, oral, or electronic communication . . . (c) intentionally discloses, or endeavors to disclose, to any other person the contents of any wire, oral, or electronic communication, knowing or having reason to know that the information was obtained through the interception of a wire, oral, or electronic communication in violation of this subsection . . . [or](d) intentionally uses, or endeavors to use, the contents of any wire, oral, or electronic communication, knowing or having reason to know that the information was obtained through the interception of a wire, oral, or electronic communication in violation of this subsection . . . shall be punished as provided in subsection (4) or shall be subject to suit as provided in subsection (5).

170. 18 U.S.C. § 2511 further provides that:

(3)(a) Except as provided in paragraph (b) of this subsection, a person or entity providing an electronic communication service to the public shall not intentionally divulge the contents of any communication (other than one to such person or entity, or an agent thereof) while in transmission on that service to any person or entity other than an addressee or intended recipient of such communication or an agent of such addressee or intended recipient.

171. 18 U.S.C. § 2511(2)(f) further provides in relevant part that “procedures in this chapter or chapter 121 and the Foreign Intelligence Surveillance Act of 1978 shall be the *exclusive means* by which electronic surveillance, as defined in section 101 [50 U.S.C. § 1801] of such Act, and the interception of domestic wire, oral, and electronic communications may be conducted.” (Emphasis added.)

172. 50 U.S.C. § 1812 further provides in relevant part that:

1 (a) Except as provided in subsection (b), the procedures of chapters 119, 121,
2 and 206 of Title 18 and this chapter shall be the *exclusive means* by which
3 electronic surveillance and the interception of domestic wire, oral, or
4 electronic communications may be conducted.

5 (b) Only an express statutory authorization for electronic surveillance or the
6 interception of domestic wire, oral, or electronic communications, other than
7 as an amendment to this chapter or chapters 119, 121, or 206 of Title 18 shall
8 constitute an additional exclusive means for the purpose of subsection (a).

9 (Emphasis added.)

10 173. By the acts alleged herein, Defendants have intentionally and willfully intercepted,
11 endeavored to intercept, or procured another person to intercept or endeavor to intercept, Plaintiffs'
12 and class members' wire or electronic communications in violation of 18 U.S.C. § 2511(1)(a); and/or

13 174. By the acts alleged herein, Defendants have intentionally and willfully disclosed, or
14 endeavored to disclose, to another person the contents of Plaintiffs' and class members' wire or
15 electronic communications, knowing or having reason to know that the information was obtained
16 through the interception of wire or electronic communications in violation of 18 U.S.C. § 2511(1)(c);
17 and/or

18 175. By the acts alleged herein, Defendants have intentionally and willfully used, or
19 endeavored to use, the contents of Plaintiffs' and class members' wire or electronic communications,
20 while knowing or having reason to know that the information was obtained through the interception
21 of wire or electronic communications in violation of 18 U.S.C. § 2511(1)(d).

22 176. By the acts alleged herein, Defendants have intentionally and willfully caused, or
23 aided, abetted, counseled, commanded, induced, procured, encouraged, promoted, instigated,
24 advised, participated in, contributed to, facilitated, directed, controlled, assisted in, or conspired to
25 cause AT&T's divulgence of Plaintiffs' and class members' wire or electronic communications to
26 Defendants while in transmission by AT&T, in violation of 18 U.S.C. § 2511(3)(a).

27 177. Defendants have committed these acts of interception, disclosure, divulgence and/or
28 use of Plaintiffs' and class members' communications directly or by aiding, abetting, counseling,

1 commanding, inducing, procuring, encouraging, promoting, instigating, advising, willfully causing,
2 participating in, enabling, contributing to, facilitating, directing, controlling, assisting in, or
3 conspiring in their commission. In doing so, Defendants have acted in excess of their statutory
4 authority and in violation of statutory limitations.

5
6 178. AT&T acted as the agent of Defendants in performing, participating in, enabling,
7 contributing to, facilitating, or assisting in the commission of these acts of interception, disclosure,
8 divulgence and/or use of Plaintiffs' and class members' communications.

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10 179. Defendants did not notify Plaintiffs or class members of the above-described
11 intentional interception, disclosure, divulgence and/or use of their wire or electronic
12 communications, nor did Plaintiffs or class members consent to such.

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14 180. Plaintiffs and class members have been and are aggrieved by Defendants' intentional
15 and willful interception, disclosure, divulgence and/or use of their wire or electronic
16 communications.

17
18 181. On information and belief, the Count VII Defendants are now engaging in and will
19 continue to engage in the above-described acts resulting in the intentional and willful interception,
20 disclosure, divulgence and/or use of Plaintiffs' and class members' wire or electronic
21 communications, acting in excess of the Count VII Defendants' statutory authority and in violation
22 of statutory limitations, including 18 U.S.C. § 2511, and are thereby irreparably harming Plaintiffs
23 and class members. Plaintiffs and class members have no adequate remedy at law for the Count VII
24 Defendants' continuing unlawful conduct, and the Count VII Defendants will continue to violate
25 Plaintiffs' and class members' legal rights unless enjoined and restrained by this Court.

26
27 182. Pursuant to 18 U.S.C. § 2520, which provides a civil action for any person whose
28 wire or electronic communications have been intercepted, disclosed, divulged or intentionally used
in violation of 18 U.S.C. § 2511, to *Larson v. United States*, 337 U.S. 682 (1949), and to 5 U.S.C. §

1 702, Plaintiffs and class members seek equitable and declaratory relief against the Count VII
2 Defendants.

3 183. Plaintiffs seek that this Court declare that Defendants have violated their rights and
4 the rights of the class; enjoin the Count VII Defendants, their agents, successors, and assigns, and all
5 those in active concert and participation with them from violating the Plaintiffs' and class members'
6 statutory rights, including their rights under 18 U.S.C. § 2511; and award such other and further
7 equitable relief as is proper.
8

9 **COUNT VIII**

10 **Violation of 18 U.S.C. § 2511, actionable under 18 U.S.C. § 2520—Damages**

11 **(Named Plaintiffs vs. Defendants Alexander (in his personal capacity), Hayden (in his**
12 **personal capacity), Cheney (in his personal capacity), Addington (in his personal capacity),**
13 **Mukasey (in his personal capacity), Gonzales (in his personal capacity), Ashcroft (in his**
14 **personal capacity), McConnell (in his personal capacity), and Negroponte (in his personal**
15 **capacity), and one or more of the Doe Defendants)**

16 184. Plaintiffs repeat and incorporate herein by reference the allegations in the preceding
17 paragraphs of this complaint, as if set forth fully herein.

18 185. In relevant part, 18 U.S.C. § 2511 provides that:

19 (1) Except as otherwise specifically provided in this chapter any person who
20 – (a) intentionally intercepts, endeavors to intercept, or procures any other
21 person to intercept or endeavor to intercept, any wire, oral, or electronic
22 communication . . . (c) intentionally discloses, or endeavors to disclose, to
23 any other person the contents of any wire, oral, or electronic communication,
24 knowing or having reason to know that the information was obtained through
25 the interception of a wire, oral, or electronic communication in violation of
26 this subsection . . . [or](d) intentionally uses, or endeavors to use, the contents
27 of any wire, oral, or electronic communication, knowing or having reason to
28 know that the information was obtained through the interception of a wire,
oral, or electronic communication in violation of this subsection . . . shall be
punished as provided in subsection (4) or shall be subject to suit as provided
in subsection (5).

186. 18 U.S.C. § 2511 further provides that:

(3)(a) Except as provided in paragraph (b) of this subsection, a person or
entity providing an electronic communication service to the public shall not
intentionally divulge the contents of any communication (other than one to

1 such person or entity, or an agent thereof) while in transmission on that
2 service to any person or entity other than an addressee or intended recipient
of such communication or an agent of such addressee or intended recipient.

3 187. 18 U.S.C. § 2511(2)(f) further provides in relevant part that “procedures in this
4 chapter or chapter 121 and the Foreign Intelligence Surveillance Act of 1978 shall be the *exclusive*
5 *means* by which electronic surveillance, as defined in section 101 [50 U.S.C. § 1801] of such Act,
6 and the interception of domestic wire, oral, and electronic communications may be conducted.”
7

8 (Emphasis added.)

9 188. 50 U.S.C. § 1812 further provides in relevant part that:

10 (a) Except as provided in subsection (b), the procedures of chapters 119, 121,
11 and 206 of Title 18 and this chapter shall be the *exclusive means* by which
12 electronic surveillance and the interception of domestic wire, oral, or
electronic communications may be conducted.

13 (b) Only an express statutory authorization for electronic surveillance or the
14 interception of domestic wire, oral, or electronic communications, other than
as an amendment to this chapter or chapters 119, 121, or 206 of Title 18 shall
constitute an additional exclusive means for the purpose of subsection (a).

15 (Emphasis added.)

16 189. By the acts alleged herein, Defendants have intentionally and willfully intercepted,
17 endeavored to intercept, or procured another person to intercept or endeavor to intercept, Plaintiffs’
18 wire or electronic communications in violation of 18 U.S.C. § 2511(1)(a); and/or
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20 190. By the acts alleged herein, Defendants have intentionally and willfully disclosed, or
21 endeavored to disclose, to another person the contents of Plaintiffs’ wire or electronic
22 communications, knowing or having reason to know that the information was obtained through the
23 interception of wire or electronic communications in violation of 18 U.S.C. § 2511(1)(c); and/or

24 191. By the acts alleged herein, Defendants have intentionally and willfully used, or
25 endeavored to use, the contents of Plaintiffs’ wire or electronic communications, while knowing or
26 having reason to know that the information was obtained through the interception of wire or
27 electronic communications in violation of 18 U.S.C. § 2511(1)(d).
28

1 192. By the acts alleged herein, Defendants have intentionally and willfully caused, or
2 aided, abetted, counseled, commanded, induced, procured, encouraged, promoted, instigated,
3 advised, participated in, contributed to, facilitated, directed, controlled, assisted in, or conspired to
4 cause AT&T's divulgence of Plaintiffs' and class members' wire or electronic communications to
5 Defendants while in transmission by AT&T, in violation of 18 U.S.C. § 2511(3)(a).
6

7 193. Defendants have committed these acts of interception, disclosure, divulgence and/or
8 use of Plaintiffs' communications directly or by aiding, abetting, counseling, commanding, inducing,
9 procuring, encouraging, promoting, instigating, advising, willfully causing, participating in,
10 enabling, contributing to, facilitating, directing, controlling, assisting in, or conspiring in their
11 commission.
12

13 194. AT&T acted as the agent of Defendants in performing, participating in, enabling,
14 contributing to, facilitating, or assisting in the commission of these acts of interception, disclosure,
15 divulgence and/or use of Plaintiffs' communications.
16

17 195. Defendants did not notify Plaintiffs of the above-described intentional interception,
18 disclosure, divulgence and/or use of their wire or electronic communications, nor did Plaintiffs or
19 class members consent to such.
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21 196. Plaintiffs have been and are aggrieved by Defendants' intentional and willful
22 interception, disclosure, divulgence and/or use of their wire or electronic communications.
23

24 197. Pursuant to 18 U.S.C. § 2520, which provides a civil action for any person whose
25 wire or electronic communications have been intercepted, disclosed, divulged or intentionally used
26 in violation of 18 U.S.C. § 2511, Plaintiffs seek from the Court VIII Defendants for each Plaintiff
27 their statutory damages or actual damages; punitive damages as appropriate; and such other and
28 further relief as is proper.

COUNT IX

Violation of 18 U.S.C. § 2511, actionable under 18 U.S.C. § 2712—Damages Against The United States

(Named Plaintiffs vs. Defendants United States, Department of Justice, and National Security Agency)

198. Plaintiffs repeat and incorporate herein by reference the allegations in the preceding paragraphs of this complaint, as if set forth fully herein.

199. In relevant part, 18 U.S.C. § 2511 provides that:

(1) Except as otherwise specifically provided in this chapter any person who – (a) intentionally intercepts, endeavors to intercept, or procures any other person to intercept or endeavor to intercept, any wire, oral, or electronic communication . . . (c) intentionally discloses, or endeavors to disclose, to any other person the contents of any wire, oral, or electronic communication, knowing or having reason to know that the information was obtained through the interception of a wire, oral, or electronic communication in violation of this subsection . . . [or](d) intentionally uses, or endeavors to use, the contents of any wire, oral, or electronic communication, knowing or having reason to know that the information was obtained through the interception of a wire, oral, or electronic communication in violation of this subsection . . . shall be punished as provided in subsection (4) or shall be subject to suit as provided in subsection (5).

200. 18 U.S.C. § 2511 further provides that:

(3)(a) Except as provided in paragraph (b) of this subsection, a person or entity providing an electronic communication service to the public shall not intentionally divulge the contents of any communication (other than one to such person or entity, or an agent thereof) while in transmission on that service to any person or entity other than an addressee or intended recipient of such communication or an agent of such addressee or intended recipient.

201. 18 U.S.C. § 2511(2)(f) further provides in relevant part that “procedures in this chapter or chapter 121 and the Foreign Intelligence Surveillance Act of 1978 shall be the *exclusive means* by which electronic surveillance, as defined in section 101 [50 U.S.C. § 1801] of such Act, and the interception of domestic wire, oral, and electronic communications may be conducted.” (Emphasis added.)

202. 50 U.S.C. § 1812 further provides in relevant part that:

1 (a) Except as provided in subsection (b), the procedures of chapters 119, 121,
2 and 206 of Title 18 and this chapter shall be the *exclusive means* by which
3 electronic surveillance and the interception of domestic wire, oral, or
4 electronic communications may be conducted.

5 (b) Only an express statutory authorization for electronic surveillance or the
6 interception of domestic wire, oral, or electronic communications, other than
7 as an amendment to this chapter or chapters 119, 121, or 206 of Title 18 shall
8 constitute an additional exclusive means for the purpose of subsection (a).

9 (Emphasis added.)

10 203. By the acts alleged herein, Defendants have intentionally and willfully intercepted,
11 endeavored to intercept, or procured another person to intercept or endeavor to intercept, Plaintiffs'
12 wire or electronic communications in violation of 18 U.S.C. § 2511(1)(a); and/or

13 204. By the acts alleged herein, Defendants have intentionally and willfully disclosed, or
14 endeavored to disclose, to another person the contents of Plaintiffs' wire or electronic
15 communications, knowing or having reason to know that the information was obtained through the
16 interception of wire or electronic communications in violation of 18 U.S.C. § 2511(1)(c); and/or

17 205. By the acts alleged herein, Defendants have intentionally and willfully used, or
18 endeavored to use, the contents of Plaintiffs' wire or electronic communications, while knowing or
19 having reason to know that the information was obtained through the interception of wire or
20 electronic communications in violation of 18 U.S.C. § 2511(1)(d).

21 206. By the acts alleged herein, Defendants have intentionally and willfully caused, or
22 aided, abetted, counseled, commanded, induced, procured, encouraged, promoted, instigated,
23 advised, participated in, contributed to, facilitated, directed, controlled, assisted in, or conspired to
24 cause AT&T's divulgence of Plaintiffs' and class members' wire or electronic communications to
25 Defendants while in transmission by AT&T, in violation of 18 U.S.C. § 2511(3)(a).

26 207. Defendants have committed these acts of interception, disclosure, divulgence and/or
27 use of Plaintiffs' communications directly or by aiding, abetting, counseling, commanding, inducing,
28 procuring, encouraging, promoting, instigating, advising, willfully causing, participating in,

1 enabling, contributing to, facilitating, directing, controlling, assisting in, or conspiring in their
2 commission.

3 208. AT&T acted as the agent of Defendants in performing, participating in, enabling,
4 contributing to, facilitating, or assisting in the commission of these acts of interception, disclosure,
5 divulgence and/or use of Plaintiffs' communications.

6 209. Defendants did not notify Plaintiffs of the above-described intentional interception,
7 disclosure, divulgence and/or use of their wire or electronic communications, nor did Plaintiffs or
8 class members consent to such.

9 210. Plaintiffs have been and are aggrieved by Defendants' intentional and willful
10 interception, disclosure, divulgence and/or use of their wire or electronic communications.

11 211. Title 18 U.S.C. § 2712 provides a civil action against the United States and its
12 agencies and departments for any person whose wire or electronic communications have been
13 intercepted, disclosed, divulged or intentionally used in willful violation of 18 U.S.C. § 2511.
14 Plaintiffs have complied fully with the claim presentment procedure of 18 U.S.C. § 2712. Pursuant
15 to 18 U.S.C. § 2712, Plaintiffs seek from the Count IX Defendants for each Plaintiff their statutory
16 damages or actual damages, and such other and further relief as is proper.

17
18
19 **COUNT X**

20 **Violation of 18 U.S.C. § 2703(a) & (b)—Declaratory, Injunctive, and Other Equitable**
21 **Relief**

22 **(Named Plaintiffs and Class vs. Defendants Alexander (in his official and personal**
23 **capacities), Mukasey (in his official and personal capacities), and McConnell (in his official**
24 **and personal capacities), and one or more of the Doe Defendants)**

25 212. Plaintiffs repeat and incorporate herein by reference the allegations in the preceding
26 paragraphs of this complaint, as if set forth fully herein.

27 213. In relevant part, 18 U.S.C. § 2703 provides that:
28

1 (a) Contents of Wire or Electronic Communications in Electronic Storage.— A
2 governmental entity may require the disclosure by a provider of electronic
3 communication service of the contents of a wire or electronic communication, that
4 is in electronic storage in an electronic communications system for one hundred
5 and eighty days or less, only pursuant to a warrant issued using the procedures
6 described in the Federal Rules of Criminal Procedure by a court with jurisdiction
7 over the offense under investigation or equivalent State warrant. A governmental
8 entity may require the disclosure by a provider of electronic communications
9 services of the contents of a wire or electronic communication that has been in
10 electronic storage in an electronic communications system for more than one
11 hundred and eighty days by the means available under subsection (b) of this
12 section.

13 (b) Contents of Wire or Electronic Communications in a Remote Computing
14 Service.—

15 (1) A governmental entity may require a provider of remote computing
16 service to disclose the contents of any wire or electronic communication to
17 which this paragraph is made applicable by paragraph (2) of this subsection—

18 (A) without required notice to the subscriber or customer, if the
19 governmental entity obtains a warrant issued using the procedures
20 described in the Federal Rules of Criminal Procedure by a court with
21 jurisdiction over the offense under investigation or equivalent State
22 warrant; or

23 (B) with prior notice from the governmental entity to the subscriber or
24 customer if the governmental entity—

25 (i) uses an administrative subpoena authorized by a Federal or State
26 statute or a Federal or State grand jury or trial subpoena; or

27 (ii) obtains a court order for such disclosure under subsection (d) of this
28 section;

except that delayed notice may be given pursuant to section 2705 of this
title.

(2) Paragraph (1) is applicable with respect to any wire or electronic
communication that is held or maintained on that service—

(A) on behalf of, and received by means of electronic transmission from
(or created by means of computer processing of communications received
by means of electronic transmission from), a subscriber or customer of
such remote computing service; and

(B) solely for the purpose of providing storage or computer processing
services to such subscriber or customer, if the provider is not authorized to
access the contents of any such communications for purposes of providing
any services other than storage or computer processing.

214. Defendants intentionally and willfully solicited and obtained from AT&T, or aided,
abetted, counseled, commanded, induced, procured, encouraged, promoted, instigated, advised,
willfully caused, participated in, enabled, contributed to, facilitated, directed, controlled, assisted in,
or conspired in soliciting and obtaining from AT&T, the disclosure to Defendants of the contents of

1 Plaintiffs' and class members' communications while in electronic storage by an AT&T electronic
2 communication service, and/or while carried or maintained by an AT&T remote computing service,
3 in violation of 18 U.S.C. §§ 2703(a) and/or (b). In doing so, Defendants have acted in excess of
4 their statutory authority and in violation of statutory limitations.

5
6 215. AT&T acted as the agent of Defendants in performing, participating in, enabling,
7 contributing to, facilitating, or assisting in the commission of these acts of disclosure of Plaintiffs'
8 and class members' communications.

9
10 216. Defendants did not notify Plaintiffs or class members of the disclosure of their
11 communications, nor did Plaintiffs or class members consent to such.

12
13 217. Plaintiffs and class members have been and are aggrieved by Defendants' above-
14 described soliciting and obtaining of disclosure of the contents of communications.

15
16 218. On information and belief, the Count X Defendants are now engaging in and will
17 continue to engage in the above-described soliciting and obtaining of disclosure of the contents of
18 class members' communications while in electronic storage by AT&T's electronic communication
19 service(s), and/or while carried or maintained by AT&T's remote computing service(s), acting in
20 excess of the Count X Defendants' statutory authority and in violation of statutory limitations,
21 including 18 U.S.C. § 2703(a) and (b), and are thereby irreparably harming Plaintiffs and class
22 members. Plaintiffs and class members have no adequate remedy at law for the Count X
23 Defendants' continuing unlawful conduct, and the Count X Defendants will continue to violate
24 Plaintiffs' and class members' legal rights unless enjoined and restrained by this Court.

25
26 219. Pursuant to 18 U.S.C. § 2707, which provides a civil action for any person aggrieved
27 by knowing or intentional violation of 18 U.S.C. § 2703, to *Larson v. United States*, 337 U.S. 682
28 (1949), and to 5 U.S.C. § 702, Plaintiffs and class members seek equitable and declaratory relief
against the Count X Defendants.

1 220. Plaintiffs seek that this Court declare that Defendants have violated their rights and
2 the rights of the class; enjoin the Count X Defendants, their agents, successors, and assigns, and all
3 those in active concert and participation with them from violating the Plaintiffs' and class members'
4 statutory rights, including their rights under 18 U.S.C. § 2703; and award such other and further
5 equitable relief as is proper.

6
7 COUNT XI

8 **Violation of 18 U.S.C. § 2703(a) & (b), actionable under 18 U.S.C. § 2707—Damages**

9 **(Named Plaintiffs vs. Defendants Alexander (in his personal capacity), Hayden (in his**
10 **personal capacity), Cheney (in his personal capacity), Addington (in his personal capacity),**
11 **Mukasey (in his personal capacity), Gonzales (in his personal capacity), Ashcroft (in his**
12 **personal capacity), McConnell (in his personal capacity), and Negroponte (in his personal**
13 **capacity), and one or more of the Doe Defendants)**

14 221. Plaintiffs repeat and incorporate herein by reference the allegations in the preceding
15 paragraphs of this complaint, as if set forth fully herein.

16 222. In relevant part, 18 U.S.C. § 2703 provides that:

17 (a) Contents of Wire or Electronic Communications in Electronic Storage.— A
18 governmental entity may require the disclosure by a provider of electronic
19 communication service of the contents of a wire or electronic communication, that
20 is in electronic storage in an electronic communications system for one hundred
21 and eighty days or less, only pursuant to a warrant issued using the procedures
22 described in the Federal Rules of Criminal Procedure by a court with jurisdiction
23 over the offense under investigation or equivalent State warrant. A governmental
24 entity may require the disclosure by a provider of electronic communications
25 services of the contents of a wire or electronic communication that has been in
26 electronic storage in an electronic communications system for more than one
27 hundred and eighty days by the means available under subsection (b) of this
28 section.

(b) Contents of Wire or Electronic Communications in a Remote Computing Service.—

(1) A governmental entity may require a provider of remote computing service to disclose the contents of any wire or electronic communication to which this paragraph is made applicable by paragraph (2) of this subsection—
(A) without required notice to the subscriber or customer, if the governmental entity obtains a warrant issued using the procedures described in the Federal Rules of Criminal Procedure by a court with jurisdiction over the offense under investigation or equivalent State warrant; or

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(B) with prior notice from the governmental entity to the subscriber or customer if the governmental entity—

- (i) uses an administrative subpoena authorized by a Federal or State statute or a Federal or State grand jury or trial subpoena; or
- (ii) obtains a court order for such disclosure under subsection (d) of this section;

except that delayed notice may be given pursuant to section 2705 of this title.

(2) Paragraph (1) is applicable with respect to any wire or electronic communication that is held or maintained on that service—

- (A) on behalf of, and received by means of electronic transmission from (or created by means of computer processing of communications received by means of electronic transmission from), a subscriber or customer of such remote computing service; and
- (B) solely for the purpose of providing storage or computer processing services to such subscriber or customer, if the provider is not authorized to access the contents of any such communications for purposes of providing any services other than storage or computer processing.

223. Defendants intentionally and willfully solicited and obtained from AT&T, or aided, abetted, counseled, commanded, induced, procured, encouraged, promoted, instigated, advised, willfully caused, participated in, enabled, contributed to, facilitated, directed, controlled, assisted in, or conspired in the soliciting and obtaining from AT&T the disclosure to Defendants of the contents of Plaintiffs' communications while in electronic storage by an AT&T electronic communication service, and/or while carried or maintained by an AT&T remote computing service, in violation of 18 U.S.C. §§ 2703(a) and/or (b).

224. AT&T acted as the agent of Defendants in performing, participating in, enabling, contributing to, facilitating, or assisting in the commission of these acts of disclosure of Plaintiffs' communications.

225. Defendants did not notify Plaintiffs of the disclosure of their communications, nor did Plaintiffs consent to such.

226. Plaintiffs have been and are aggrieved by Defendants' above-described soliciting and obtaining of disclosure of the contents of communications.

1 227. Pursuant to 18 U.S.C. § 2707, which provides a civil action for any person aggrieved
2 by knowing or intentional violation of 18 U.S.C. § 2703, Plaintiffs seek from the Court XI
3 Defendants for each Plaintiff their statutory damages or actual damages; punitive damages as
4 appropriate; and such other and further relief as may be proper.
5

6 **COUNT XII**

7 **Violation of 18 U.S.C. § 2703(a) & (b), actionable under 18 U.S.C. § 2712—Damages
8 Against The United States**

9 **(Named Plaintiffs vs. Defendants United States, Department of Justice, and National
10 Security Agency)**

11 228. Plaintiffs repeat and incorporate herein by reference the allegations in the preceding
12 paragraphs of this complaint, as if set forth fully herein.

13 229. In relevant part, 18 U.S.C. § 2703 provides that:

14 (a) Contents of Wire or Electronic Communications in Electronic Storage.— A
15 governmental entity may require the disclosure by a provider of electronic
16 communication service of the contents of a wire or electronic communication, that
17 is in electronic storage in an electronic communications system for one hundred
18 and eighty days or less, only pursuant to a warrant issued using the procedures
19 described in the Federal Rules of Criminal Procedure by a court with jurisdiction
20 over the offense under investigation or equivalent State warrant. A governmental
21 entity may require the disclosure by a provider of electronic communications
22 services of the contents of a wire or electronic communication that has been in
23 electronic storage in an electronic communications system for more than one
24 hundred and eighty days by the means available under subsection (b) of this
25 section.

26 (b) Contents of Wire or Electronic Communications in a Remote Computing
27 Service.—

28 (1) A governmental entity may require a provider of remote computing
service to disclose the contents of any wire or electronic communication to
which this paragraph is made applicable by paragraph (2) of this subsection—

(A) without required notice to the subscriber or customer, if the
governmental entity obtains a warrant issued using the procedures
described in the Federal Rules of Criminal Procedure by a court with
jurisdiction over the offense under investigation or equivalent State
warrant; or

(B) with prior notice from the governmental entity to the subscriber or
customer if the governmental entity—

(i) uses an administrative subpoena authorized by a Federal or State
statute or a Federal or State grand jury or trial subpoena; or

1 (ii) obtains a court order for such disclosure under subsection (d) of
2 this section;
3 except that delayed notice may be given pursuant to section 2705 of this
4 title.
5 (2) Paragraph (1) is applicable with respect to any wire or electronic
6 communication that is held or maintained on that service—
7 (A) on behalf of, and received by means of electronic transmission from
8 (or created by means of computer processing of communications received
9 by means of electronic transmission from), a subscriber or customer of
10 such remote computing service; and
11 (B) solely for the purpose of providing storage or computer processing
12 services to such subscriber or customer, if the provider is not authorized to
13 access the contents of any such communications for purposes of providing
14 any services other than storage or computer processing.

15 230. Defendants intentionally and willfully solicited and obtained from AT&T, or aided,
16 abetted, counseled, commanded, induced, procured, encouraged, promoted, instigated, advised,
17 willfully caused, participated in, enabled, contributed to, facilitated, directed, controlled, assisted in,
18 or conspired in the soliciting and obtaining from AT&T the disclosure to the NSA of the contents of
19 Plaintiffs' communications while in electronic storage by an AT&T electronic communication
20 service, and/or while carried or maintained by an AT&T remote computing service, in violation of
21 18 U.S.C. §§ 2703(a) and/or (b).

22 231. AT&T acted as the agent of Defendants in performing, participating in, enabling,
23 contributing to, facilitating, or assisting in the commission of these acts of disclosure of Plaintiffs'
24 communications.

25 232. Defendants did not notify Plaintiffs of the disclosure of their communications, nor did
26 Plaintiffs consent to such.

27 233. Plaintiffs have been and are aggrieved by Defendants' above-described soliciting and
28 obtaining of disclosure of the contents of communications.

29 234. Title 18 U.S.C. § 2712 provides a civil action against the United States and its
30 agencies and departments for any person whose communications have been disclosed in willful

1 violation of 18 U.S.C. § 2703. Plaintiffs have complied fully with the claim presentment procedure
2 of 18 U.S.C. § 2712. Pursuant to 18 U.S.C. § 2712, Plaintiffs seek from the Count XII Defendants
3 for each Plaintiff their statutory damages or actual damages, and such other and further relief as is
4 proper.

5
6 **COUNT XIII**

7 **Violation of 18 U.S.C. § 2703(c)—Declaratory, Injunctive, and Other Equitable Relief**

8 **(Named Plaintiffs and Class vs. Defendants Alexander (in his official and personal**
9 **capacities), Mukasey (in his official and personal capacities), and McConnell (in his official**
10 **and personal capacities), and one or more of the Doe Defendants)**

11 235. Plaintiffs repeat and incorporate herein by reference the allegations in the preceding
12 paragraphs of this complaint, as if set forth fully herein.

13 236. In relevant part, 18 U.S.C. § 2703(c) provides that:

14 (c) Records Concerning Electronic Communication Service or Remote
15 Computing Service.—

16 (1) A governmental entity may require a provider of electronic
17 communication service or remote computing service to disclose a record or
18 other information pertaining to a subscriber to or customer of such service
19 (not including the contents of communications) only when the governmental
20 entity—

21 (A) obtains a warrant issued using the procedures described in the Federal
22 Rules of Criminal Procedure by a court with jurisdiction over the offense
23 under investigation or equivalent State warrant;

24 (B) obtains a court order for such disclosure under subsection (d) of this
25 section;

26 (C) has the consent of the subscriber or customer to such disclosure;

27 (D) submits a formal written request relevant to a law enforcement
28 investigation concerning telemarketing fraud for the name, address, and
place of business of a subscriber or customer of such provider, which
subscriber or customer is engaged in telemarketing (as such term is
defined in section 2325 of this title); or

(E) seeks information under paragraph (2).

(2) A provider of electronic communication service or remote computing
service shall disclose to a governmental entity the—

(A) name;

(B) address;

(C) local and long distance telephone connection records, or records of
session times and durations;

(D) length of service (including start date) and types of service utilized;

1 (E) telephone or instrument number or other subscriber number or
2 identity, including any temporarily assigned network address; and
3 (F) means and source of payment for such service (including any credit
4 card or bank account number),
5 of a subscriber to or customer of such service when the governmental entity
6 uses an administrative subpoena authorized by a Federal or State statute or a
7 Federal or State grand jury or trial subpoena or any means available under
8 paragraph (1).
9 (3) A governmental entity receiving records or information under this
10 subsection is not required to provide notice to a subscriber or customer.

11 237. Defendants intentionally and willfully solicited and obtained from AT&T, or aided,
12 abetted, counseled, commanded, induced, procured, encouraged, promoted, instigated, advised,
13 willfully caused, participated in, enabled, contributed to, facilitated, directed, controlled, assisted in,
14 or conspired in the soliciting and obtaining from AT&T the disclosure to Defendants of records or
15 other information pertaining to Plaintiffs' and class members' use of electronic communication
16 services and/or remote computing services offered to the public by AT&T, in violation of 18 U.S.C.
17 § 2703(c). In doing so, Defendants have acted in excess of their statutory authority and in violation
18 of statutory limitations.

19 238. AT&T acted as the agent of Defendants in performing, participating in, enabling,
20 contributing to, facilitating, or assisting in the commission of these acts of disclosure of Plaintiffs'
21 and class members' records or other information.

22 239. Defendants did not notify Plaintiffs or class members of the disclosure of these
23 records or other information pertaining to them and their use of AT&T services, nor did Plaintiffs or
24 class members consent to such.

25 240. Plaintiffs and class members have been and are aggrieved by Defendants' above-
26 described acts of soliciting and obtaining disclosure by AT&T of records or other information
27 pertaining to Plaintiffs and class members.

28 241. On information and belief, the Count XIII Defendants are now engaging in and will
continue to engage in the above-described soliciting and obtaining disclosure by AT&T of records or
other information pertaining to Plaintiffs and class members, acting in excess of the Count XIII

1 Defendants' statutory authority and in violation of statutory limitations, including 18 U.S.C. §
2 2703(c), and are thereby irreparably harming Plaintiffs and class members. Plaintiffs and class
3 members have no adequate remedy at law for the Count XIII Defendants' continuing unlawful
4 conduct, and the Count XIII Defendants will continue to violate Plaintiffs' and class members' legal
5 rights unless enjoined and restrained by this Court.

6
7 242. Pursuant to 18 U.S.C. § 2707, which provides a civil action for any person aggrieved
8 by knowing or intentional violation of 18 U.S.C. § 2703, to *Larson v. United States*, 337 U.S. 682
9 (1949), and to 5 U.S.C. § 702, Plaintiffs and class members seek equitable and declaratory relief
10 against the Count XIII Defendants.

11 243. Plaintiffs seek that the Court declare that Defendants have violated their rights and the
12 rights of the class; enjoin the Count XIII Defendants, their agents, successors, and assigns, and all
13 those in active concert and participation with them from violating the Plaintiffs' and class members'
14 statutory rights, including their rights under 18 U.S.C. § 2703; and award such other and further
15 equitable relief as is proper.
16

17 **COUNT XIV**

18 **Violation of 18 U.S.C. § 2703(c), actionable under 18 U.S.C. § 2707—Damages**

19 **(Named Plaintiffs vs. Defendants Alexander (in his personal capacity), Hayden (in his**
20 **personal capacity), Cheney (in his personal capacity), Addington (in his personal capacity),**
21 **Mukasey (in his personal capacity), Gonzales (in his personal capacity), Ashcroft (in his**
22 **personal capacity), McConnell (in his personal capacity), and Negroponte (in his personal**
23 **capacity), and one or more of the Doe Defendants)**

24 244. Plaintiffs repeat and incorporate herein by reference the allegations in the preceding
25 paragraphs of this complaint, as if set forth fully herein.

26 245. In relevant part, 18 U.S.C. § 2703(c) provides that:

27 (c) Records Concerning Electronic Communication Service or Remote
28 Computing Service.—

(1) A governmental entity may require a provider of electronic
communication service or remote computing service to disclose a record or

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other information pertaining to a subscriber to or customer of such service (not including the contents of communications) only when the governmental entity—

- (A) obtains a warrant issued using the procedures described in the Federal Rules of Criminal Procedure by a court with jurisdiction over the offense under investigation or equivalent State warrant;
- (B) obtains a court order for such disclosure under subsection (d) of this section;
- (C) has the consent of the subscriber or customer to such disclosure;
- (D) submits a formal written request relevant to a law enforcement investigation concerning telemarketing fraud for the name, address, and place of business of a subscriber or customer of such provider, which subscriber or customer is engaged in telemarketing (as such term is defined in section 2325 of this title); or
- (E) seeks information under paragraph (2).

(2) A provider of electronic communication service or remote computing service shall disclose to a governmental entity the—

- (A) name;
- (B) address;
- (C) local and long distance telephone connection records, or records of session times and durations;
- (D) length of service (including start date) and types of service utilized;
- (E) telephone or instrument number or other subscriber number or identity, including any temporarily assigned network address; and
- (F) means and source of payment for such service (including any credit card or bank account number),

of a subscriber to or customer of such service when the governmental entity uses an administrative subpoena authorized by a Federal or State statute or a Federal or State grand jury or trial subpoena or any means available under paragraph (1).

(3) A governmental entity receiving records or information under this subsection is not required to provide notice to a subscriber or customer.

246. Defendants intentionally and willfully solicited and obtained from AT&T, or aided, abetted, counseled, commanded, induced, procured, encouraged, promoted, instigated, advised, willfully caused, participated in, enabled, contributed to, facilitated, directed, controlled, assisted in, or conspired in the soliciting and obtaining from AT&T the disclosure to Defendants of records or other information pertaining to Plaintiffs' use of electronic communication services and/or remote computing services offered to the public by AT&T, in violation of 18 U.S.C. § 2703(c).

1 247. AT&T acted as the agent of Defendants in performing, participating in, enabling,
2 contributing to, facilitating, or assisting in the commission of these acts of disclosure of Plaintiffs'
3 records or other information.

4 248. Defendants did not notify Plaintiffs of the disclosure of these records or other
5 information pertaining to them and their use of AT&T services, nor did Plaintiffs consent to such.

6 249. Plaintiffs have been and are aggrieved by Defendants' above-described acts of
7 soliciting and obtaining disclosure by AT&T of records or other information pertaining to Plaintiffs.

8 250. Pursuant to 18 U.S.C. § 2707, which provides a civil action for any person aggrieved
9 by knowing or intentional violation of 18 U.S.C. § 2703, Plaintiffs seek from the Count XIV
10 Defendants for each Plaintiff their statutory damages or actual damages; punitive damages as
11 appropriate; and such other and further relief as may be proper.
12

13 **COUNT XV**

14 **Violation of 18 U.S.C. § 2703(c), actionable under 18 U.S.C. § 2712—Damages Against The**
15 **United States**

16 **(Named Plaintiffs vs. Defendants United States, Department of Justice, and National**
17 **Security Agency)**

18 251. Plaintiffs repeat and incorporate herein by reference the allegations in the preceding
19 paragraphs of this complaint, as if set forth fully herein.

20 252. In relevant part, 18 U.S.C. § 2703(c) provides that:

21 (c) Records Concerning Electronic Communication Service or Remote
22 Computing Service.—

23 (1) A governmental entity may require a provider of electronic
24 communication service or remote computing service to disclose a record or
25 other information pertaining to a subscriber to or customer of such service
(not including the contents of communications) only when the governmental
entity—

26 (A) obtains a warrant issued using the procedures described in the Federal
Rules of Criminal Procedure by a court with jurisdiction over the offense
under investigation or equivalent State warrant;

27 (B) obtains a court order for such disclosure under subsection (d) of this
28 section;

- 1 (C) has the consent of the subscriber or customer to such disclosure;
- 2 (D) submits a formal written request relevant to a law enforcement
- 3 investigation concerning telemarketing fraud for the name, address, and
- 4 place of business of a subscriber or customer of such provider, which
- 5 subscriber or customer is engaged in telemarketing (as such term is
- 6 defined in section 2325 of this title); or
- 7 (E) seeks information under paragraph (2).
- 8 (2) A provider of electronic communication service or remote computing
- 9 service shall disclose to a governmental entity the—
- 10 (A) name;
- 11 (B) address;
- 12 (C) local and long distance telephone connection records, or records of
- 13 session times and durations;
- 14 (D) length of service (including start date) and types of service utilized;
- 15 (E) telephone or instrument number or other subscriber number or
- 16 identity, including any temporarily assigned network address; and
- 17 (F) means and source of payment for such service (including any credit
- 18 card or bank account number),
- 19 of a subscriber to or customer of such service when the governmental entity
- 20 uses an administrative subpoena authorized by a Federal or State statute or a
- 21 Federal or State grand jury or trial subpoena or any means available under
- 22 paragraph (1).
- 23 (3) A governmental entity receiving records or information under this
- 24 subsection is not required to provide notice to a subscriber or customer.

25 253. Defendants intentionally and willfully solicited and obtained from AT&T, or aided,
26 abetted, counseled, commanded, induced, procured, encouraged, promoted, instigated, advised,
27 willfully caused, participated in, enabled, contributed to, facilitated, directed, controlled, assisted in,
28 or conspired in the soliciting and obtaining from AT&T the disclosure to Defendants of records or
other information pertaining to Plaintiffs' use of electronic communication services and/or remote
computing services offered to the public by AT&T, in violation of 18 U.S.C. § 2703(c).

254. AT&T acted as the agent of Defendants in performing, participating in, enabling,
contributing to, facilitating, or assisting in the commission of these acts of disclosure of Plaintiffs'
records or other information.

255. Defendants did not notify Plaintiffs of the disclosure of these records or other
information pertaining to them and their use of AT&T services, nor did Plaintiffs consent to such.

1 256. Plaintiffs have been and are aggrieved by Defendants' above-described acts of
2 soliciting and obtaining disclosure by AT&T of records or other information pertaining to Plaintiffs.

3 257. Title 18 U.S.C. § 2712 provides a civil action against the United States and its
4 agencies and departments for any person aggrieved by willful violation of 18 U.S.C. § 2703.
5 Plaintiffs have complied fully with the claim presentment procedure of 18 U.S.C. § 2712. Pursuant
6 to 18 U.S.C. § 2712, Plaintiffs seek from the Count XV Defendants for each Plaintiff their statutory
7 damages or actual damages and such other and further relief as is proper.
8

9 **COUNT XVI**

10 **Violation of the Administrative Procedure Act, 5 U.S.C. § 701 *et seq.* - Declaratory,
11 Injunctive, and Other Equitable Relief**

12 **(Named Plaintiffs and Class vs. Defendants United States, Department of Justice, National
13 Security Agency, Alexander (in his official and personal capacities), Mukasey (in his official
14 and personal capacities), and McConnell (in his official and personal capacities), and one
15 or more of the Doe Defendants)**

16 258. Plaintiffs repeat and incorporate herein by reference the allegations in the preceding
17 paragraphs of this complaint, as if set forth fully herein.

18 259. The Program violates the Administrative Procedures Act, 5 U.S.C. § 701 *et seq.*,
19 because Defendants' actions under the Program exceed statutory authority and limitations imposed
20 by Congress through FISA, and through Chapters 119, 121 and 206 of Title 18 of the U.S. Code (the
21 Wiretap Act, the Stored Communications Act, and the Pen Register Statute, respectively) and in
22 violation of statutory rights under those laws; are not otherwise in accordance with law; are contrary to
23 constitutional rights, including the Fourth Amendment, First Amendment, and separation of powers
24 principles; and are taken without observance of procedures required by law.

25 260. Plaintiffs and class members are aggrieved by these violations because, as described
26 previously in this Complaint, Defendants' actions under the Program has resulted in the interception,
27 acquisition, disclosure, divulgence and/or use of the contents of their wire and electronic
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1 communications, communications records, and other information in violation of their constitutional
2 and statutory rights.

3 261. Plaintiffs seek nonmonetary relief against the Count XVI Defendants, including a
4 declaration that Defendants have violated their rights and the rights of the class; an injunction
5 enjoining the Count XVI Defendants, their agents, successors, and assigns, and all those in active
6 concert and participation with them from violating the Plaintiffs' and class members' rights; and
7 such other and further nonmonetary relief as is proper.

9 **COUNT XVII**

10 **Violation of Separation of Powers - Declaratory, Injunctive, and Other Equitable Relief**

11 **(Named Plaintiffs and Class vs. Defendants United States, Department of Justice, National**
12 **Security Agency, Bush (in his official and personal capacities), Alexander (in his official**
13 **and personal capacities), Mukasey (in his official and personal capacities), and McConnell**
14 **(in his official and personal capacities), and one or more of the Doe Defendants)**

15 262. Plaintiffs repeat and incorporate herein by reference the allegations in the preceding
16 paragraphs of this complaint, as if set forth fully herein.

17 263. The Program violates the principles of separation of powers because it was authorized
18 by the Executive in excess of the Executive's authority under Article II of the United States
19 Constitution, in excess of statutory authority granted the Executive under FISA and under Chapters
20 119, 121 and 206 of Title 18 of the U.S. Code (the Wiretap Act, the Stored Communications Act, and
21 the Pen Register Statute, respectively) and exceeds the statutory limits imposed on the Executive by
22 Congress.

23 264. Plaintiffs and class members are aggrieved by these violations because, as described
24 previously in this Complaint, Defendants' actions under the Program has resulted in the interception,
25 acquisition, disclosure, divulgence and/or use of the contents of their wire and electronic
26 communications, communications records, and other information in violation of their constitutional
27 and statutory rights.
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1 265. Plaintiffs seek nonmonetary relief against the Count XVII Defendants, including a
2 declaration that Defendants have violated their rights and the rights of the class; an injunction
3 enjoining the Count XVII Defendants, their agents, successors, and assigns, and all those in active
4 concert and participation with them from violating the Plaintiffs' and class members' rights; and for
5 such other and further nonmonetary relief as is proper.

6
7 **PRAYER FOR RELIEF**

8 WHEREFORE, Plaintiffs respectfully request that the Court:

9 A. Declare that the Program as alleged herein violates without limitation Plaintiffs' and
10 class members' rights under the First and Fourth Amendments to the Constitution; their statutory
11 rights, including their rights under 18 U.S.C. § 2511, 18 U.S.C. § 2703, 50 U.S.C. § 1809, and the
12 Administrative Procedures Act; and their rights under the constitutional principle of Separation of
13 Powers.

14 B. Award Plaintiffs and the class equitable relief, including without limitation, a
15 preliminary and permanent injunction pursuant to the First and Fourth Amendments to the United
16 States Constitution prohibiting Defendants' continued use of the Program, and a preliminary and
17 permanent injunction pursuant to the Fourth Amendment requiring Defendants to provide to
18 Plaintiffs and the class an inventory of their communications, records, or other information that was
19 seized in violation of the Fourth Amendment, and further requiring the destruction of all copies of
20 those communications, records, or other information within the possession, custody, or control of
21 Defendants.

22 C. Award Plaintiffs their statutory, actual, and punitive damages to the extent permitted
23 by law and according to proof.

24 D. Award to Plaintiffs reasonable attorneys' fees and other costs of suit to the extent
25 permitted by law.

26 G. Grant such other and further relief as the Court deems just and proper.

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JURY DEMAND

Plaintiffs hereby request a jury trial for all issues triable by jury including, but not limited to, those issues and claims set forth in any amended complaint or consolidated action.

DATED: September 17, 2008



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Attorneys for Plaintiffs

U.S. District Court
California Northern District (Oakland)
CIVIL DOCKET FOR CASE #: 4:08-cv-04373-JSW

Jewel et al v. National Security Agency et al
Assigned to: Hon. Jeffrey S. White

Relate Case Cases: 4:06-cv-00672-JSW
4:13-cv-03287-JSW

Case in other court: 9th Circuit, 10-15616
Ninth Circuit Court of Appeals, 15-16133
Ninth Circuit, 19-16066

Cause: 28:1331 Fed. Question

Date Filed: 09/18/2008

Date Terminated: 04/25/2019

Jury Demand: Plaintiff

Nature of Suit: 440 Civil Rights: Other

Jurisdiction: U.S. Government Defendant

Date Filed	#	Docket Text
09/18/2008	<u>1</u>	CLASS ACTION COMPLAINT against all defendants (Filing fee \$ 350, receipt number 34611023512.) SUMMONS ISSUED. Filed by Gregory Hicks, Carolyn Jewel, Erik Knutzen, Joice Walton, Tash Hepting. (mcl, COURT STAFF) (Filed on 9/18/2008) (mcl, COURT STAFF). (Additional attachment(s) added on 8/20/2015: # <u>1</u> Civil Cover Sheet) (jlmS, COURT STAFF). (Entered: 09/18/2008)
09/18/2008	<u>2</u>	Certificate of Interested Entities or Persons by Gregory Hicks, Carolyn Jewel, Erik Knutzen, Joice Walton, Tash Hepting. (mcl, COURT STAFF) (Filed on 9/18/2008) (mcl, COURT STAFF). (Entered: 09/18/2008)
09/18/2008	<u>3</u>	ADR SCHEDULING ORDER: Case Management Statement due by 1/2/2009. Case Management Conference set for 1/9/2009 08:30 AM. (Attachments: # <u>1</u> Order setting CMC, # <u>2</u> Standing Order, # <u>3</u> CM Standing Order for All Judges)(mcl, COURT STAFF) (Filed on 9/18/2008) (Entered: 09/18/2008)
09/18/2008	<u>4</u>	Summons Issued as to National Security Agency, Keith B. Alexander, Michael V. Hayden, United States of America, George W. Bush, Richard B. Cheney, David S. Addington, Department of Justice, Alberto R. Gonzales, John D. Ashcroft, John M. McConnell, John D. Negroponte, U.S. Attorney and U.S. Attorney General. (mcl, COURT STAFF) (Entered: 09/18/2008)
09/18/2008		CASE DESIGNATED for Electronic Filing. (mcl, COURT STAFF) (Entered: 09/18/2008)
10/07/2008	<u>5</u>	CLERKS NOTICE re: Failure to E-File and/or Failure to Register as an E-Filer. (mcl, COURT STAFF) (Filed on 10/7/2008) (Entered: 10/07/2008)
10/07/2008	<u>6</u>	Letter dated 9/21/08 from James Alfred Miller, Jr. (mcl, COURT STAFF) (Filed on 10/7/2008) (Entered: 10/09/2008)
10/21/2008	<u>7</u>	MOTION to Relate Case <i>Administrative Motion by Plaintiffs to Consider Whether Cases Should be Related; Declaration of Kevin S. Bankston; Proof of Service</i> filed by Gregory Hicks, Carolyn Jewel, Erik Knutzen, Joice Walton, Tash Hepting. (Bankston, Kevin) (Filed on 10/21/2008) (Entered: 10/21/2008)
10/21/2008	<u>8</u>	Proposed Order re <u>7</u> MOTION to Relate Case <i>Administrative Motion by Plaintiffs to Consider Whether Cases Should be Related; Declaration of Kevin S. Bankston; Proof of Service ; Deeming Cases Related and Assigning Jewel to MDL Docket No. 06-1791 VRW, In Re National Security Agency Telecommunications Records Litigation</i> by Gregory Hicks, Carolyn Jewel, Erik Knutzen, Joice Walton, Tash Hepting. (Bankston, Kevin) (Filed on 10/21/2008) (Entered: 10/21/2008)
10/28/2008	<u>9</u>	ORDER by Chief Judge Vaughn R Walker granting <u>7</u> Motion to Relate Case. C06-0672 and C08-4373 are related. LR3-12. (cgk, COURT STAFF) (Filed on 10/28/2008) (Entered: 10/28/2008)
10/28/2008		Cases associated: Create association to 3:06-cv-00672-VRW. (cgk, COURT STAFF) (Filed on 10/28/2008) (Entered: 10/28/2008)

10/29/2008		Case Reassigned to Judge Hon. Vaughn R. Walker. Judge Hon. Charles R. Breyer no longer assigned to the case. (as, COURT STAFF) (Filed on 10/29/2008) (Entered: 10/29/2008)
11/26/2008	<u>10</u>	NOTICE of Appearance by Alexander Kenneth Haas (Haas, Alexander) (Filed on 11/26/2008) (Entered: 11/26/2008)
11/26/2008	<u>11</u>	STIPULATION by National Security Agency, Keith B. Alexander, United States of America, George W. Bush, Department of Justice, John M. McConnell. (Haas, Alexander) (Filed on 11/26/2008) (Entered: 11/26/2008)
12/15/2008	<u>12</u>	CERTIFICATE OF SERVICE by Gregory Hicks, Carolyn Jewel, Erik Knutzen, Joice Walton, Tash Hepting of <i>Summons and Complaint</i> (Bankston, Kevin) (Filed on 12/15/2008) (Entered: 12/15/2008)
01/23/2009	<u>13</u>	NOTICE of Appearance by James R. Whitman <i>on behalf of the individual capacity defendants</i> (Whitman, James) (Filed on 1/23/2009) (Entered: 01/23/2009)
01/23/2009	<u>14</u>	NOTICE of Appearance by Paul Gerald Freeborne <i>on behalf of federal defendants sued in their official capacity and the other agency defendants</i> (Freeborne, Paul) (Filed on 1/23/2009) (Entered: 01/23/2009)
01/26/2009	<u>15</u>	MOTION for Extension of Time to File Answer re <u>1</u> Complaint, filed by National Security Agency, Keith B. Alexander, Michael V. Hayden, United States of America, George W. Bush, Richard B. Cheney, David S. Addington, Department of Justice, Alberto R. Gonzales, John D. Ashcroft, John M. McConnell, John D. Negroponte, Michael B. Mukasey. (Freeborne, Paul) (Filed on 1/26/2009) (Entered: 01/26/2009)
01/26/2009	<u>16</u>	MOTION for Extension of Time to File Answer re <u>1</u> Complaint, (<i>CORRECTED VERSION</i>) filed by National Security Agency, Keith B. Alexander, Michael V. Hayden, United States of America, George W. Bush, Richard B. Cheney, David S. Addington, Department of Justice, Alberto R. Gonzales, John D. Ashcroft, John M. McConnell, John D. Negroponte, Michael B. Mukasey. (Haas, Alexander) (Filed on 1/26/2009) (Entered: 01/26/2009)
01/30/2009	<u>17</u>	ORDER by Judge Vaughn R Walker GRANTING Docs #15, 16, Unopposed Motion for Extension of Time to Answer. All defendants shall answer or otherwise respond to the Complaint on or before 4/3/2009. The 3/26/2009 hearing is vacated. (cgk, COURT STAFF) (Filed on 1/30/2009) (Entered: 01/30/2009)
04/03/2009	<u>18</u>	MOTION to Dismiss, MOTION for Summary Judgment filed by Barack Obama, Eric Holder, Dennis C Blair, National Security Agency, Keith B. Alexander, United States of America, Department of Justice. Motion Hearing set for 6/25/2009 02:30 PM in Courtroom 6, 17th Floor, San Francisco. (Attachments: # <u>1</u> Appendix of Exhibits, # <u>2</u> Affidavit Public Declaration of DNI Dennis C. Blair, # <u>3</u> Affidavit Declaration of Deborah A. Bonanni, National Security Agency)(Coppolino, Anthony) (Filed on 4/3/2009) (Entered: 04/03/2009)
04/03/2009	<u>19</u>	NOTICE by Barack Obama, Eric Holder, Dennis C Blair, National Security Agency, Keith B. Alexander, United States of America, Department of Justice re <u>18</u> MOTION to Dismiss MOTION for Summary Judgment <i>Notice of Lodging of Classified In Camera Ex Parte Declaration of Dennis C. Blair, Director of National Intelligence</i> (Coppolino, Anthony) (Filed on 4/3/2009) (Entered: 04/03/2009)
04/03/2009	<u>20</u>	NOTICE by Barack Obama, Eric Holder, Dennis C Blair, National Security Agency, Keith B. Alexander, United States of America, Department of Justice re <u>18</u> MOTION to Dismiss MOTION for Summary Judgment <i>Notice of Lodging of Classified In Camera Ex Parte Declaration of Deborah A. Bonanni, National Security Agency</i> (Coppolino, Anthony) (Filed on 4/3/2009) (Entered: 04/03/2009)
04/03/2009	<u>21</u>	NOTICE by Barack Obama, Eric Holder, Dennis C Blair, National Security Agency, Keith B. Alexander, United States of America, Department of Justice re <u>18</u> MOTION to Dismiss MOTION for Summary Judgment <i>Notice of Lodging of Classified In Camera Ex Parte Supplemental Memorandum of Government Defendants in Support of Motion to Dismiss and for Summary Judgment</i> (Coppolino, Anthony) (Filed on 4/3/2009) (Entered: 04/03/2009)

04/03/2009	<u>22</u>	MOTION Individual capacity defendants' motion for administrative relief to enlarge the time to answer or otherwise respond to plaintiffs' complaint filed by Keith B. Alexander, Michael V. Hayden, George W. Bush, Richard B. Cheney, David S. Addington, Alberto R. Gonzales, John D. Ashcroft, John M. McConnell, John D. Negroponte, Michael B. Mukasey. (Attachments: # <u>1</u> Affidavit Declaration of James R. Whitman, # <u>2</u> Proposed Order)(Whitman, James) (Filed on 4/3/2009) (Entered: 04/03/2009)
04/08/2009	<u>23</u>	Memorandum in Opposition to <i>Individual Capacity Defendants' 22 Motion for Administrative relief to Enlarge the Time to Answer or Otherwise Respond to Plaintiffs' Complaint</i> filed by Gregory Hicks, Carolyn Jewel, Erik Knutzen, Joice Walton, Tash Hepting. (Cohn, Cindy) (Filed on 4/8/2009) Modified on 4/9/2009 (slh, COURT STAFF). (Entered: 04/08/2009)
04/08/2009	<u>24</u>	Proposed Order re <u>23</u> Memorandum in Opposition, to <i>Individual Capacity Defendants' Motion for Administrative Relief to Enlarge the Time to Answer or Otherwise Respond to Plaintiffs' Complaint</i> by Gregory Hicks, Carolyn Jewel, Erik Knutzen, Joice Walton, Tash Hepting. (Cohn, Cindy) (Filed on 4/8/2009) (Entered: 04/08/2009)
04/27/2009	<u>25</u>	ORDER by Judge Vaughn R Walker denying without prejudice <u>22</u> motion to enlarge time to answer or otherwise respond to plaintiffs' complaint. Individual defendants shall have until June 25, 2009 within which to answer or otherwise respond. (vrwlc3, COURT STAFF) (Filed on 4/27/2009) (Entered: 04/27/2009)
05/01/2009	<u>26</u>	STIPULATION to <i>Revise Hearing Date and to Set Briefing Schedule</i> by Barack Obama, Eric Holder, Dennis C Blair, National Security Agency, Keith B. Alexander, United States of America, Department of Justice. (Coppolino, Anthony) (Filed on 5/1/2009) (Entered: 05/01/2009)
05/08/2009	<u>27</u>	ORDER approving <u>26</u> Stipulation, filed by United States of America, at al. In addition, date established by <u>25</u> Order on Motion for Miscellaneous Relief by which individual government defendants shall answer or otherwise respond is also hereby extended to July 15, 2009. Signed by Judge Vaughn R Walker on 5/8/2009. (vrwlc3, COURT STAFF) (Filed on 5/8/2009) (Entered: 05/08/2009)
05/08/2009		Set/Reset Hearings: Opposition due: 6/3/2009. Govt's Reply due: 6/26/2009. Motion Hearing set for 7/15/2009 10:30 AM in Courtroom 6, 17th Floor, San Francisco. (cgk, COURT STAFF) (Filed on 5/8/2009) (Entered: 05/08/2009)
06/02/2009	<u>28</u>	NOTICE of Appearance by Rachael Elizabeth Meny <i>Paula A. Blizzard, Michael S. Kwun, and Audrey Walton-Hadlock</i> (Meny, Rachael) (Filed on 6/2/2009) (Entered: 06/02/2009)
06/03/2009	<u>29</u>	Memorandum in Opposition re <u>18</u> MOTION to Dismiss MOTION for Summary Judgment <i>Plaintiffs' Opposition to Government Defendants' Motion to Dismiss and for Summary Judgment</i> filed by Gregory Hicks, Carolyn Jewel, Erik Knutzen, Joice Walton, Tash Hepting. (Meny, Rachael) (Filed on 6/3/2009) (Entered: 06/03/2009)
06/03/2009	<u>30</u>	DECLARATION of Cindy Cohn in Opposition to <u>29</u> Memorandum in Opposition, <i>Declaration of Cindy Cohn Pursuant to Fed. R. Civ. P. 56(f) in Opposition to Government Defendants' Motion to Dismiss and For Summary Judgment</i> filed by Gregory Hicks, Carolyn Jewel, Erik Knutzen, Joice Walton, Tash Hepting. (Attachments: # <u>1</u> Exhibit A)(Related document(s) <u>29</u>) (Meny, Rachael) (Filed on 6/3/2009) (Entered: 06/03/2009)
06/26/2009	<u>31</u>	Reply to Opposition re <u>18</u> MOTION to Dismiss MOTION for Summary Judgment <i>Government Defendants' Reply in Support of Motion to Dismiss and for Summary Judgment</i> filed by Keith B. Alexander, Dennis C Blair, Department of Justice, Eric Holder, National Security Agency, Barack Obama, United States of America. (Attachments: # <u>1</u> Exhibit Exhibits to Government Defendants' Reply)(Coppolino, Anthony) (Filed on 6/26/2009) (Entered: 06/26/2009)
07/10/2009	<u>32</u>	MOTION Individual capacity defendants' motion for relief from the Court's Orders of April 27, 2009, and May 8, 2009 filed by David S. Addington, Keith B. Alexander, John D. Ashcroft, George W. Bush, Richard B. Cheney, Alberto R. Gonzales, Michael V. Hayden, John M. McConnell, Michael B. Mukasey, John D. Negroponte. Motion Hearing set for 9/17/2009 10:00 AM in Courtroom 6, 17th Floor, San Francisco. (Attachments: # <u>1</u> Proposed Order)(Whitman, James) (Filed on 7/10/2009) (Entered: 07/10/2009)

		07/10/2009)
07/13/2009	<u>33</u>	MOTION Administrative <i>Relief from Improper Motion for Reconsideration by Individual Capacity Defendants</i> filed by Tash Hepting, Gregory Hicks, Carolyn Jewel, Erik Knutzen, Joice Walton. Motion Hearing set for 7/15/2009 10:00 AM in Courtroom 6, 17th Floor, San Francisco. (Cohn, Cindy) (Filed on 7/13/2009) (Entered: 07/13/2009)
07/13/2009	<u>34</u>	Declaration of Cindy A. Cohn in Support of <u>33</u> MOTION Administrative <i>Relief from Improper Motion for Reconsideration by Individual Capacity Defendants</i> filed by Tash Hepting, Gregory Hicks, Carolyn Jewel, Erik Knutzen, Joice Walton. (Related document(s) <u>33</u>) (Cohn, Cindy) (Filed on 7/13/2009) (Entered: 07/13/2009)
07/13/2009	<u>35</u>	NOTICE by Tash Hepting, Carolyn Jewel, Erik Knutzen, Joice Walton <i>PLAINTIFFS' NOTICE OF ADDITIONAL EVIDENCE IN OPPOSITION TO GOVERNMENT DEFENDANTS' MOTION TO DISMISS AND FOR SUMMARY JUDGMENT</i> (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit)(Blizzard, Paula) (Filed on 7/13/2009) (Entered: 07/13/2009)
07/15/2009	<u>36</u>	Minute Entry: Motion Hearing held on 7/15/2009 before Chief Judge Vaughn R Walker. 1. Def's Motion to Dismiss and for Summary Judgment (Doc 18). 2. Motion for Relief filed by Individual Capacity Defendants (Doc 32)–not argued. 3. Plas' Motion for Administrative Relief (Doc 33). The Court heard argument from counsel. The Court submitted the matter. The court to issue written ruling. Hearing on Government Individual Capacity Defendants motion for relief (doc 32) set for 9/17/2009 at 10:00 AM. (Court Reporter Lydia Zinn.) (cgk, COURT STAFF) (Date Filed: 7/15/2009) (Entered: 07/21/2009)
07/31/2009	<u>37</u>	Transcript of Proceedings held on 07/15/2009, before Judge Vaughn R. Walker. Court Reporter/Transcriber Lydia Radovich Zinn, Telephone number (415) 531–6587. Per General Order No. 59 and Judicial Conference policy, this transcript may be viewed only at the Clerks Office public terminal or may be purchased through the Court Reporter/Transcriber until the deadline for the Release of Transcript Restriction. After that date it may be obtained through PACER. Any Notice of Intent to Request Redaction, if required, is due no later than 5 business days from date of this filing. Release of Transcript Restriction set for 10/26/2009. (Zinn, Lydia) (Filed on 7/31/2009) (Entered: 07/31/2009)
08/03/2009	<u>38</u>	MOTION for Leave to File <i>Supplemental Brief on the Scope of FISA Act Preemption</i> filed by Tash Hepting, Gregory Hicks, Carolyn Jewel, Erik Knutzen, Joice Walton. (Attachments: # <u>1</u> Supplement Supplemental Memorandum on the Scope of FISA Act Preemption, # <u>2</u> Affidavit Wiebe Declaration ISO Supplemental Memorandum, # <u>3</u> Exhibit A to Wiebe Decl., # <u>4</u> Exhibit B to Wiebe Decl., # <u>5</u> Exhibit C to Wiebe Decl., # <u>6</u> Exhibit D to Wiebe Decl., # <u>7</u> Exhibit E to Wiebe Decl., # <u>8</u> Proposed Order Allowing Supplemental Memorandum)(Blizzard, Paula) (Filed on 8/3/2009) (Entered: 08/03/2009)
08/03/2009	<u>39</u>	Declaration of Cindy A. Cohn in Support of <u>38</u> MOTION for Leave to File <i>Supplemental Brief on the Scope of FISA Act Preemption</i> filed by Tash Hepting, Gregory Hicks, Carolyn Jewel, Erik Knutzen, Joice Walton. (Related document(s) <u>38</u>) (Blizzard, Paula) (Filed on 8/3/2009) (Entered: 08/03/2009)
08/04/2009	<u>40</u>	ORDER by Judge Vaughn R Walker granting <u>38</u> motion for leave to file post–hearing brief. Defendants may file a brief on the same subject and of no greater length on or before 9/3/2009. (vrwlc3, COURT STAFF) (Filed on 8/4/2009) (Entered: 08/04/2009)
08/05/2009	<u>41</u>	STIPULATION to <i>Set Briefing Schedule</i> by David S. Addington, Keith B. Alexander, John D. Ashcroft, George W. Bush, Richard B. Cheney, Alberto R. Gonzales, Michael V. Hayden, John M. McConnell, Michael B. Mukasey, John D. Negroponte. (Whitman, James) (Filed on 8/5/2009) (Entered: 08/05/2009)
08/24/2009	<u>42</u>	Memorandum in Opposition to <i>Individual Capacity Defendants' Motion for Relief</i> filed by Tash Hepting, Gregory Hicks, Carolyn Jewel, Erik Knutzen, Joice Walton. (Bankston, Kevin) (Filed on 8/24/2009) (Entered: 08/24/2009)
09/01/2009	<u>43</u>	STIPULATION to <i>Extend Time to Respond to Supplemental Brief (Dkt. 38–1) and Proposed Order</i> by Keith B. Alexander, Dennis C Blair, Department of Justice, Eric

		Holder, National Security Agency, Barack Obama, United States of America. (Coppolino, Anthony) (Filed on 9/1/2009) (Entered: 09/01/2009)
09/03/2009	<u>44</u>	Reply in support re <u>32</u> MOTION Individual capacity defendants' motion for relief from the Court's Orders of April 27, 2009, and May 8, 2009 filed by David S. Addington, Keith B. Alexander, John D. Ashcroft, George W. Bush, Richard B. Cheney, Alberto R. Gonzales, Michael V. Hayden, John M. McConnell, Michael B. Mukasey, John D. Negroponte. (Whitman, James) (Filed on 9/3/2009) Modified on 9/4/2009 (ys, COURT STAFF). (Entered: 09/03/2009)
09/03/2009	<u>45</u>	Statement of Non-Opposition re <u>32</u> MOTION Individual capacity defendants' motion for relief from the Court's Orders of April 27, 2009, and May 8, 2009 <i>Statement in Support of Individual Capacity Defs.' Motion for Relief from Court Orders</i> filed by Keith B. Alexander, Dennis C Blair, Department of Justice, Eric Holder, National Security Agency, Barack Obama, United States of America. (Related document(s) <u>32</u>) (Berman, Marcia) (Filed on 9/3/2009) (Entered: 09/03/2009)
09/04/2009	<u>46</u>	Reply Memorandum <i>Government Defendants' Response to Plaintiffs' Supplemental Brief (Dkt. 38-1)</i> filed by Dennis C Blair, Department of Justice, Eric Holder, National Security Agency, Barack Obama, United States of America. (Coppolino, Anthony) (Filed on 9/4/2009) (Entered: 09/04/2009)
09/17/2009	<u>47</u>	Minute Entry: Motion Hearing re doc #s 32 and 33 held on 9/17/2009 before Chief Judge Vaughn R Walker, the court submitted the matter. (Date Filed: 9/17/2009). (Court Reporter Jim Yeomans.) (cgk, COURT STAFF) (Date Filed: 9/17/2009) (Entered: 09/21/2009)
10/28/2009	<u>48</u>	NOTICE by United States of America <i>of Order by Court of Appeals Granting Rehearing En Banc</i> (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2)(Ahern, Paul) (Filed on 10/28/2009) (Entered: 10/28/2009)
11/06/2009	<u>49</u>	NOTICE by United States of America <i>Withdrawal of Appearance</i> (Haas, Alexander) (Filed on 11/6/2009) (Entered: 11/06/2009)
11/10/2009	<u>50</u>	Joint MOTION for Entry of Order Regarding Preservation of Evidence filed by United States of America. (Attachments: # <u>1</u> Exhibit 1, Dkt. 393 in 06-cv-1791-VRW, # <u>2</u> Proposed Order)(Ahern, Paul) (Filed on 11/10/2009) (Entered: 11/10/2009)
11/16/2009	<u>51</u>	ORDER by Chief Judge Vaughn R Walker GRANTING doc [#50] JOINT MOTION FOR ENTRY OF ORDER REGARDING PRESERVATION OF EVIDENCE. Counsel representing each party shall, not later than 12/15/2009, submit to the Court under seal and pursuant to FRCP 11, a statement that the directive in paragraph D, has been carried out. (cgk, COURT STAFF) (Filed on 11/16/2009) (Entered: 11/16/2009)
12/15/2009	<u>52</u>	NOTICE by Tash Hepting, Gregory Hicks, Carolyn Jewel, Erik Knutzen, Joice Walton <i>of Manual Filing</i> (Bankston, Kevin) (Filed on 12/15/2009) (Entered: 12/15/2009)
12/15/2009	<u>53</u>	NOTICE by United States of America re <u>51</u> Order on Motion for Miscellaneous Relief, <i>Notice of Manual Filing</i> (Ahern, Paul) (Filed on 12/15/2009) (Entered: 12/15/2009)
12/15/2009	<u>67</u>	Response to the Court's Order of 11/13/09 regarding preservation of evidence by National Security Agency. (far, COURT STAFF) (Filed on 12/15/2009) (hdjS, COURT STAFF). Modified on 4/8/2014 (hdjS, COURT STAFF). (Entered: 07/21/2010)
12/15/2009	<u>68</u>	FILED UNDER SEAL Response of the individual capacity defendants to the court's order of 11/13/09 regarding preservation of evidence by. (far, COURT STAFF) (Filed on 12/15/2009) (jlmS, COURT STAFF). (Entered: 07/21/2010)
12/15/2009	<u>69</u>	FILED UNDER SEAL Declaration of Kevin S. Bankston in compliance with preservation order filed by Plaintiffs. (far, COURT STAFF) (Filed on 12/15/2009) (jlmS, COURT STAFF). (Additional attachment(s) added on 7/16/2019: # <u>1</u>) (cjlS, COURT STAFF). (Entered: 07/21/2010)

12/17/2009	<u>54</u>	NOTICE by David S. Addington, Keith B. Alexander, John D. Ashcroft, George W. Bush, Richard B. Cheney, Alberto R. Gonzales, Michael V. Hayden, John M. McConnell, Michael B. Mukasey, John D. Negroponte re <u>51</u> Order on Motion for Miscellaneous Relief, <i>Notice of Manual Filing</i> (Whitman, James) (Filed on 12/17/2009) (Entered: 12/17/2009)
12/23/2009	<u>55</u>	NOTICE by Tash Hepting, Gregory Hicks, Carolyn Jewel, Erik Knutzen, Joice Walton re <u>18</u> MOTION to Dismiss MOTION for Summary Judgment , <i>Plaintiffs' Local Rule 7-13 Notice That Government Defendants' Motion Has Been Under Submission More Than 120 Days</i> (Wiebe, Richard) (Filed on 12/23/2009) (Entered: 12/23/2009)
01/20/2010	<u>56</u>	AMENDED DOCUMENT by Carolyn Jewel. <i>Amendment to Substitute Yoo & Goldsmith for Does 1 & 2.</i> (Moore, Thomas) (Filed on 1/20/2010) (Entered: 01/20/2010)
01/21/2010	<u>57</u>	ORDER by Judge Vaughn R. Walker granting <u>18</u> Motion to Dismiss; granting motion to dismiss in MDL Docket No. 3:06-cv-1791 VRW (member case no. 3:07-cv-0693 VRW) (Attachments: # <u>1</u> Appendix) (hlk, COURT STAFF) (Filed on 1/21/2010) (Entered: 01/21/2010)
01/25/2010	<u>58</u>	JUDGMENT. IT IS ORDERED AND ADJUDGED that in accordance with the Court's January 21, 2010 Order, judgment is hereby entered in this case in favor of defendants and against plaintiffs. (cgg, COURT STAFF) (Filed on 1/25/2010) (Entered: 01/25/2010)
01/28/2010	<u>59</u>	NOTICE of Change of Address by Richard R. Wiebe (Wiebe, Richard) (Filed on 1/28/2010) (Entered: 01/28/2010)
02/04/2010	<u>60</u>	ORDER re <u>57</u> 1/21/2010 Order on Motion to Dismiss. Signed by Judge Vaughn R. Walker on 2/4/2010. (hlk, COURT STAFF) (Filed on 2/4/2010) (Entered: 02/04/2010)
03/19/2010	<u>61</u>	NOTICE OF APPEAL as to <u>58</u> Judgment, <u>57</u> Order on Motion to Dismiss, Order on Motion for Summary Judgment, Order on Motion for Miscellaneous Relief, by Tash Hepting, Gregory Hicks, Carolyn Jewel, Erik Knutzen, Joice Walton. Filing fee \$ 455, Receipt Number 34611043712.(far, COURT STAFF) (Filed on 3/19/2010) (Entered: 03/22/2010)
03/22/2010	<u>62</u>	Copy of Notice of Appeal and Docket sheet mailed to all counsel (Attachments: # <u>1</u> docket sheet)(far, COURT STAFF) (Filed on 3/22/2010) (Entered: 03/22/2010)
03/23/2010	<u>63</u>	Transmission of Notice of Appeal and Docket Sheet to US Court of Appeals re <u>61</u> Notice of Appeal, (Attachments: # <u>1</u> docket sheet, # <u>2</u> cover letter, # <u>3</u> USCA appeal notification form)(far, COURT STAFF) (Filed on 3/23/2010) (Entered: 03/23/2010)
04/22/2010	<u>64</u>	Transcript of Proceedings held on 09/12/09, before Judge Vaughn R. Walker. Court Reporter/Transcriber James Yeomans, Telephone number (415) 863-5179. Per General Order No. 59 and Judicial Conference policy, this transcript may be viewed only at the Clerks Office public terminal or may be purchased through the Court Reporter/Transcriber until the deadline for the Release of Transcript Restriction. After that date it may be obtained through PACER. Any Notice of Intent to Request Redaction, if required, is due no later than 5 business days from date of this filing. Release of Transcript Restriction set for 7/21/2010. (jjy, COURT STAFF) (Filed on 4/22/2010) (Entered: 04/22/2010)
04/26/2010	<u>65</u>	USCA Case Number 10-15616 9th Circuit for <u>61</u> Notice of Appeal, filed by Gregory Hicks, Tash Hepting, Erik Knutzen, Carolyn Jewel, Joice Walton. (far, COURT STAFF) (Filed on 4/26/2010) (Entered: 04/26/2010)
06/08/2010	<u>66</u>	ORDER of USCA as to <u>61</u> Notice of Appeal, filed by Gregory Hicks, Tash Hepting, Erik Knutzen, Carolyn Jewel, Joice Walton (far, COURT STAFF) (Filed on 6/8/2010) (Entered: 06/08/2010)
02/07/2011	<u>70</u>	ORDER of USCA (far, COURT STAFF) (Filed on 2/7/2011) (Entered: 02/07/2011)
04/06/2011	<u>71</u>	ORDER of USCA as to <u>61</u> Notice of Appeal, filed by Gregory Hicks, Tash Hepting, Erik Knutzen, Carolyn Jewel, Joice Walton (far, COURT STAFF) (Filed on 4/6/2011) (Entered: 04/06/2011)

04/06/2011	<u>72</u>	ORDER of USCA as to <u>61</u> Notice of Appeal, filed by Gregory Hicks, Tash Hepting, Erik Knutzen, Carolyn Jewel, Joice Walton (far, COURT STAFF) (Filed on 4/6/2011) (Entered: 04/06/2011)
08/19/2011	<u>73</u>	ORDER of USCA (far, COURT STAFF) (Filed on 8/19/2011) (Entered: 08/19/2011)
09/19/2011	<u>74</u>	ORDER of USCA (far, COURT STAFF) (Filed on 9/19/2011) (Entered: 09/19/2011)
01/12/2012	<u>75</u>	USCA OPINION. (far, COURT STAFF) (Filed on 1/12/2012) (Entered: 01/12/2012)
01/31/2012	<u>76</u>	NOTICE of Change In Counsel by Cindy Ann Cohn <i>Withdrawal of Kevin Bankston</i> (Cohn, Cindy) (Filed on 1/31/2012) (Entered: 01/31/2012)
02/23/2012	<u>77</u>	MANDATE of USCA (far, COURT STAFF) (Filed on 2/23/2012) (Entered: 02/23/2012)
02/23/2012	<u>78</u>	CLERKS Letter Spreading Mandate to Counsel (far, COURT STAFF) (Filed on 2/23/2012) (Entered: 02/23/2012)
05/09/2012	<u>79</u>	Letter from Plaintiffs <i>requesting assignment to a District Court judge.</i> (Cohn, Cindy) (Filed on 5/9/2012) (Entered: 05/09/2012)
05/15/2012	<u>80</u>	ORDER REASSIGNING CASE. Case reassigned to Judge Hon. Thelton E. Henderson for all further proceedings. Judge Hon. Vaughn R. Walker no longer assigned to the case.. Signed by Executive Committee on 5/15/12. (as, COURT STAFF) (Filed on 5/15/2012) (Entered: 05/15/2012)
05/17/2012	<u>81</u>	ORDER OF RECUSAL. Signed by Judge Thelton E. Henderson on 05/17/12. (tehlc3, COURT STAFF) (Filed on 5/17/2012) (Entered: 05/17/2012)
05/18/2012	<u>82</u>	ORDER REASSIGNING CASE. Case reassigned to Judge Hon. Jeffrey S. White for all further proceedings. Judge Hon. Thelton E. Henderson no longer assigned to the case.. Signed by Executive Committee on 5/18/12. (as, COURT STAFF) (Filed on 5/18/2012) (Entered: 05/18/2012)
07/02/2012	<u>83</u>	MOTION for Partial Summary Judgment <i>Rejecting the Government Defendants' State Secret Defense</i> filed by Tash Hepting, Gregory Hicks, Carolyn Jewel, Erik Knutzen, Joice Walton. Motion Hearing set for 11/2/2012 09:00 AM in Courtroom 11, 19th Floor, San Francisco before Hon. Jeffrey S. White. Responses due by 7/16/2012. Replies due by 7/23/2012. (Attachments: # <u>1</u> Proposed Order)(Wiebe, Richard) (Filed on 7/2/2012) (Entered: 07/02/2012)
07/02/2012	<u>84</u>	Administrative Motion to File Under Seal filed by Tash Hepting, Gregory Hicks, Carolyn Jewel, Erik Knutzen, Joice Walton. (Attachments: # <u>1</u> Declaration, # <u>2</u> Declaration, # <u>3</u> Exhibit A to Klein Decl, # <u>4</u> Exhibit B Klein Decl, # <u>5</u> Exhibit C Part 1 Klein Decl, # <u>6</u> Exhibit C Part 2 Klein Decl, # <u>7</u> Proposed Order)(Wiebe, Richard) (Filed on 7/2/2012) (Entered: 07/02/2012)
07/02/2012	<u>85</u>	Declaration of Mark Klein in Support of <u>83</u> MOTION for Partial Summary Judgment <i>Rejecting the Government Defendants' State Secret Defense</i> filed by Tash Hepting, Gregory Hicks, Carolyn Jewel, Erik Knutzen, Joice Walton. (Related document(s) <u>83</u>) (Wiebe, Richard) (Filed on 7/2/2012) (Entered: 07/02/2012)
07/02/2012	<u>86</u>	Declaration of J. Kirk Wiebe in Support of <u>83</u> MOTION for Partial Summary Judgment <i>Rejecting the Government Defendants' State Secret Defense</i> filed by Tash Hepting, Gregory Hicks, Carolyn Jewel, Erik Knutzen, Joice Walton. (Related document(s) <u>83</u>) (Wiebe, Richard) (Filed on 7/2/2012) (Entered: 07/02/2012)
07/02/2012	<u>87</u>	Declaration of Thomas A. Drake in Support of <u>83</u> MOTION for Partial Summary Judgment <i>Rejecting the Government Defendants' State Secret Defense</i> filed by Tash Hepting, Gregory Hicks, Carolyn Jewel, Erik Knutzen, Joice Walton. (Related document(s) <u>83</u>) (Wiebe, Richard) (Filed on 7/2/2012) (Entered: 07/02/2012)
07/02/2012	<u>88</u>	Declaration of William E. Binney in Support of <u>83</u> MOTION for Partial Summary Judgment <i>Rejecting the Government Defendants' State Secret Defense</i> filed by Tash Hepting, Gregory Hicks, Carolyn Jewel, Erik Knutzen, Joice Walton. (Related document(s) <u>83</u>) (Wiebe, Richard) (Filed on 7/2/2012) (Entered: 07/02/2012)

07/02/2012	<u>89</u>	Declaration of J. Scott Marcus in Support of <u>83</u> MOTION for Partial Summary Judgment <i>Rejecting the Government Defendants' State Secret Defense</i> filed by Tash Hepting, Gregory Hicks, Carolyn Jewel, Erik Knutzen, Joice Walton. (Attachments: # <u>1</u> Exhibit A-D, # <u>2</u> Exhibit E, # <u>3</u> Exhibit F, # <u>4</u> Exhibit G, # <u>5</u> Exhibit H-K, # <u>6</u> Exhibit L-N, # <u>7</u> Exhibit O-Q, # <u>8</u> Exhibit R, # <u>9</u> Exhibit S, # <u>10</u> Exhibit T-V, # <u>11</u> Exhibit W-Y)(Related document(s) <u>83</u>) (Wiebe, Richard) (Filed on 7/2/2012) (Entered: 07/02/2012)
07/02/2012	<u>90</u>	Declaration of Cindy Cohn in Support of <u>83</u> MOTION for Partial Summary Judgment <i>Rejecting the Government Defendants' State Secret Defense</i> filed by Tash Hepting, Gregory Hicks, Carolyn Jewel, Erik Knutzen, Joice Walton. (Related document(s) <u>83</u>) (Cohn, Cindy) (Filed on 7/2/2012) (Entered: 07/02/2012)
07/02/2012	<u>91</u>	STIPULATION WITH PROPOSED ORDER re <u>83</u> MOTION for Partial Summary Judgment <i>Rejecting the Government Defendants' State Secret Defense Stipulation to Set Briefing Schedule</i> filed by Tash Hepting, Gregory Hicks, Carolyn Jewel, Erik Knutzen, Joice Walton. (Cohn, Cindy) (Filed on 7/2/2012) (Entered: 07/02/2012)
07/02/2012	<u>92</u>	CERTIFICATE OF SERVICE by Tash Hepting, Gregory Hicks, Carolyn Jewel, Erik Knutzen, Joice Walton re <u>84</u> Administrative Motion to File Under Seal (Wiebe, Richard) (Filed on 7/2/2012) (Entered: 07/02/2012)
07/03/2012	<u>93</u>	ORDER GRANTING <u>91</u> STIPULATION RE: BRIEFING SCHEDULE FOR CROSS MOTIONS FOR SUMMARY JUDGMENT: Motion Hearing set for 11/2/2012 09:00 AM in Courtroom 11, 19th Floor, San Francisco before Hon. Jeffrey S. White.. Signed by Judge Jeffrey S. White on 7/3/12. (jjoS, COURT STAFF) (Filed on 7/3/2012) (Entered: 07/03/2012)
07/11/2012	<u>94</u>	MOTION to Stay <i>Proceedings, Notice of Motion, and Defs.' Case Management Statement</i> filed by Keith B. Alexander, Department of Justice, Eric Holder, National Security Agency, Barack Obama, United States of America. Responses due by 7/25/2012. Replies due by 8/1/2012. (Attachments: # <u>1</u> Proposed Order)(Berman, Marcia) (Filed on 7/11/2012) (Entered: 07/11/2012)
07/11/2012	<u>95</u>	STIPULATION WITH PROPOSED ORDER re <u>94</u> MOTION to Stay <i>Proceedings, Notice of Motion, and Defs.' Case Management Statement Stipulation to Expedite Motion to Stay Proceedings</i> filed by Keith B. Alexander, Department of Justice, Eric Holder, National Security Agency, Barack Obama, United States of America. (Berman, Marcia) (Filed on 7/11/2012) (Entered: 07/11/2012)
07/11/2012	<u>96</u>	ORDER GRANTING <u>95</u> STIPULATION to Expedite Motion to Stay Proceedings. Responses due by 7/23/2012.. Signed by Judge Jeffrey S. White on 7/11/12. (jjoS, COURT STAFF) (Filed on 7/11/2012) (Entered: 07/11/2012)
07/23/2012	<u>97</u>	RESPONSE (re <u>94</u> MOTION to Stay <i>Proceedings, Notice of Motion, and Defs.' Case Management Statement</i>) filed by Tash Hepting, Gregory Hicks, Carolyn Jewel, Erik Knutzen, Joice Walton. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Proposed Order)(Moore, Thomas) (Filed on 7/23/2012) (Entered: 07/23/2012)
07/26/2012	<u>98</u>	ORDER GRANTING: <u>94</u> Motion to Stay Proceedings. Signed by Judge Jeffrey S. White on July 26, 2012. (jswlc3, COURT STAFF) (Filed on 7/26/2012) (Entered: 07/26/2012)
08/07/2012	<u>99</u>	NOTICE by Tash Hepting, Gregory Hicks, Carolyn Jewel, Erik Knutzen, Joice Walton re <u>98</u> Order, Terminate Motions, Terminate Deadlines and Hearings <i>Notice of Ninth Circuit Decision in Al -Haramain v. Obama</i> (Wiebe, Richard) (Filed on 8/7/2012) (Entered: 08/07/2012)
08/10/2012	<u>100</u>	STIPULATION WITH PROPOSED ORDER <i>Re Joint Proposed Briefing Schedule</i> filed by Tash Hepting, Gregory Hicks, Carolyn Jewel, Erik Knutzen, Joice Walton. (Cohn, Cindy) (Filed on 8/10/2012) (Entered: 08/10/2012)
08/21/2012	<u>101</u>	ORDER GRANTING <u>100</u> STIPULATION <i>Re Joint Proposed Briefing Schedule</i> .Hearing on Cross Motions for Summary Judgment set for 11/2/2012 09:00 AM in Courtroom 11, 19th Floor, San Francisco before Hon. Jeffrey S. White.. Signed by Judge Jeffrey S. White on 8/20/12. (jjoS, COURT STAFF) (Filed on 8/21/2012) (Entered: 08/21/2012)

09/12/2012	<u>102</u>	Second MOTION to Dismiss <i>and for Summary Judgment; Opposition to Plaintiffs' Partial Motion for Summary Judgment</i> filed by Keith B. Alexander, Department of Justice, Eric Holder, National Security Agency, Barack Obama, United States of America. Motion Hearing set for 11/2/2012 09:00 AM in Courtroom 11, 19th Floor, San Francisco before Hon. Jeffrey S. White. Responses due by 10/9/2012. Replies due by 10/19/2012. (Coppolino, Anthony) (Filed on 9/12/2012) (Entered: 09/12/2012)
09/12/2012	<u>103</u>	EXHIBITS re <u>102</u> Second MOTION to Dismiss <i>and for Summary Judgment; Opposition to Plaintiffs' Partial Motion for Summary Judgment Exhibits 1 to 5</i> filed by Keith B. Alexander, Department of Justice, Eric Holder, National Security Agency, Barack Obama, United States of America. (Related document(s) <u>102</u>) (Coppolino, Anthony) (Filed on 9/12/2012) (Entered: 09/12/2012)
09/12/2012	<u>104</u>	Declaration in Support of <u>102</u> Second MOTION to Dismiss <i>and for Summary Judgment; Opposition to Plaintiffs' Partial Motion for Summary Judgment Public Declaration of James R. Clapper Director of National Intelligence</i> filed by Keith B. Alexander, Department of Justice, Eric Holder, National Security Agency, Barack Obama, United States of America. (Related document(s) <u>102</u>) (Coppolino, Anthony) (Filed on 9/12/2012) (Entered: 09/12/2012)
09/12/2012	<u>105</u>	Declaration in Support of <u>102</u> Second MOTION to Dismiss <i>and for Summary Judgment; Opposition to Plaintiffs' Partial Motion for Summary Judgment Public Declaration of Frances Fleisch National Security Agency</i> filed by Keith B. Alexander, Department of Justice, Eric Holder, National Security Agency, Barack Obama, United States of America. (Related document(s) <u>102</u>) (Coppolino, Anthony) (Filed on 9/12/2012) (Entered: 09/12/2012)
09/12/2012	<u>106</u>	NOTICE by Keith B. Alexander, Department of Justice, Eric Holder, National Security Agency, Barack Obama, United States of America re <u>102</u> Second MOTION to Dismiss <i>and for Summary Judgment; Opposition to Plaintiffs' Partial Motion for Summary Judgment Notice of Lodging of Classified Declaration of James R. Clapper Director of National Intelligence</i> (Coppolino, Anthony) (Filed on 9/12/2012) (Entered: 09/12/2012)
09/12/2012	<u>107</u>	NOTICE by Keith B. Alexander, Department of Justice, Eric Holder, National Security Agency, Barack Obama, United States of America re <u>102</u> Second MOTION to Dismiss <i>and for Summary Judgment; Opposition to Plaintiffs' Partial Motion for Summary Judgment Notice of Lodging of Classified Declaration of Frances Fleisch National Security Agency</i> (Coppolino, Anthony) (Filed on 9/12/2012) (Entered: 09/12/2012)
09/24/2012	<u>108</u>	STIPULATION WITH PROPOSED ORDER <i>Stipulation and Request to Reset Hearing Date; Set Briefing Schedule</i> filed by Keith B. Alexander, Department of Justice, Eric Holder, National Security Agency, Barack Obama, United States of America. (Coppolino, Anthony) (Filed on 9/24/2012) (Entered: 09/24/2012)
09/25/2012	<u>109</u>	ORDER GRANTING AS MODIFIED <u>108</u> STIPULATION to Reset Hearing Date; Set Briefing Schedule. Motion Hearing set for 12/14/2012 09:00 AM in Courtroom 11, 19th Floor, San Francisco before Hon. Jeffrey S. White.. Signed by Judge Jeffrey S. White on 9/25/12. (jjoS, COURT STAFF) (Filed on 9/25/2012) (Entered: 09/25/2012)
10/02/2012	<u>110</u>	STIPULATION WITH PROPOSED ORDER <i>and Request to Set Briefing Schedule</i> filed by Tash Hepting, Gregory Hicks, Carolyn Jewel, Erik Knutzen, Joice Walton. (Cohn, Cindy) (Filed on 10/2/2012) (Entered: 10/02/2012)
10/03/2012	<u>111</u>	ORDER DENYING STIPULATION TO RESET BRIEFING SCHEDULE. Signed by Judge Jeffrey S. White on 10/3/12. (jjoS, COURT STAFF) (Filed on 10/3/2012) (Entered: 10/03/2012)
10/09/2012	<u>112</u>	REPLY (re <u>83</u> MOTION for Partial Summary Judgment <i>Rejecting the Government Defendants' State Secret Defense</i>) <i>and Opposition to the Government Defendants' Cross-Motion</i> filed by Tash Hepting, Gregory Hicks, Carolyn Jewel, Erik Knutzen, Joice Walton. (Wiebe, Richard) (Filed on 10/9/2012) (Entered: 10/09/2012)
10/09/2012	<u>113</u>	Appendix <i>FRE 1006 Summary of Voluminous Evidence in Support of Plaintiffs' Motion for Summary Judgment and Opposition to the Government Defendants' Cross-Motion</i> filed by Tash Hepting, Gregory Hicks, Carolyn Jewel, Erik Knutzen, Joice Walton. (Wiebe, Richard) (Filed on 10/9/2012) (Entered: 10/09/2012)

10/09/2012	<u>114</u>	DECLARATION of Cindy Cohn in Opposition to <u>102</u> Second MOTION to Dismiss <i>and for Summary Judgment; Opposition to Plaintiffs' Partial Motion for Summary Judgment</i> filed by Tash Hepting, Gregory Hicks, Carolyn Jewel, Erik Knutzen, Joice Walton. (Related document(s) <u>102</u>) (Cohn, Cindy) (Filed on 10/9/2012) (Entered: 10/09/2012)
10/09/2012	<u>115</u>	Request for Judicial Notice <i>in Opposition to Government Defendants' Motion to Dismiss and for Summary Judgment</i> filed by Tash Hepting, Gregory Hicks, Carolyn Jewel, Erik Knutzen, Joice Walton. (Cohn, Cindy) (Filed on 10/9/2012) (Entered: 10/09/2012)
10/09/2012	<u>116</u>	Declaration of Kurt Opsahl in Support of <u>83</u> MOTION for Partial Summary Judgment <i>Rejecting the Government Defendants' State Secret Defense and Opposition to the Government Defendants' Cross Motion</i> filed by Tash Hepting, Gregory Hicks, Carolyn Jewel, Erik Knutzen, Joice Walton. (Attachments: # <u>1</u> Exhibit Manual Filing Notification, # <u>2</u> Certificate/Proof of Service of Manual Filing)(Related document(s) <u>83</u>) (Opsahl, Kurt) (Filed on 10/9/2012) (Entered: 10/09/2012)
10/09/2012	<u>211</u>	EXHIBITS: 1–11 re <u>116</u> <i>Declaration of Kurt Opsahl in Support Motion for Partial Summary Judgment Rejecting the Government Defendants' State Secret Defense and Opposition to the Government Defendants' Cross Motion</i> , filed by Tash Hepting, Young Boon Hicks, Carolyn Jewel, Erik Knutzen, Joice Walton. (Related document(s) <u>116</u>) (jlmS, COURT STAFF) (Filed on 10/9/2012) (Additional attachment(s) added on 8/21/2015: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7, # <u>8</u> Exhibit 8, # <u>9</u> Exhibit 9, # <u>10</u> Exhibit 10, # <u>11</u> Exhibit 11, Part 1 of 3, # <u>12</u> Exhibit 11, Part 2 of 3, # <u>13</u> Exhibit 11, Part 3 of 3) (jlmS, COURT STAFF). (Entered: 05/01/2014)
10/09/2012	<u>212</u>	EXHIBITS: 12–29 re <u>116</u> <i>Declaration of Kurt Opsahl in Support Motion for Partial Summary Judgment Rejecting the Government Defendants' State Secret Defense and Opposition to the Government Defendants' Cross Motion</i> , filed by Tash Hepting, Young Boon Hicks, Carolyn Jewel, Erik Knutzen, Joice Walton. (Related document(s) <u>116</u>) (jlmS, COURT STAFF) (Filed on 10/9/2012) (Additional attachment(s) added on 8/21/2015: # <u>1</u> Exhibit 12, # <u>2</u> Exhibit 13, # <u>3</u> Exhibit 14, # <u>4</u> Exhibit 15, # <u>5</u> Exhibit 16, # <u>6</u> Exhibit 17, # <u>7</u> Exhibit 18, # <u>8</u> Exhibit 19, # <u>9</u> Exhibit 20, # <u>10</u> Exhibit 21, # <u>11</u> Exhibit 22, # <u>12</u> Exhibit 23, # <u>13</u> Exhibit 24, # <u>14</u> Exhibit 25, # <u>15</u> Exhibit 26, # <u>16</u> Exhibit 27, # <u>17</u> Exhibit 28, # <u>18</u> Exhibit 29) (jlmS, COURT STAFF). (Entered: 05/01/2014)
10/09/2012	<u>213</u>	EXHIBITS: 30–64 re <u>116</u> <i>Declaration of Kurt Opsahl in Support Motion for Partial Summary Judgment Rejecting the Government Defendants' State Secret Defense and Opposition to the Government Defendants' Cross Motion</i> , filed by Tash Hepting, Young Boon Hicks, Carolyn Jewel, Erik Knutzen, Joice Walton. (Related document(s) <u>116</u>) (jlmS, COURT STAFF) (Filed on 10/9/2012) (Additional attachment(s) added on 9/9/2015: # <u>1</u> Exhibit 31, # <u>2</u> Exhibit 32, # <u>3</u> Exhibit 33, # <u>4</u> Exhibit 34, # <u>5</u> Exhibit 35, # <u>6</u> Exhibit 36, # <u>7</u> Exhibit 37, # <u>8</u> Exhibit 38, # <u>9</u> Exhibit 39, # <u>10</u> Exhibit 40, # <u>11</u> Exhibit 41, # <u>12</u> Exhibit 42, # <u>13</u> Exhibit 43, # <u>14</u> Exhibit 44, # <u>15</u> Exhibit 45, # <u>16</u> Exhibit 46, # <u>17</u> Exhibit 47, # <u>18</u> Exhibit 48, # <u>19</u> Exhibit 49, # <u>20</u> Exhibit 50, # <u>21</u> Exhibit 51, # <u>22</u> Exhibit 52, # <u>23</u> Exhibit 53, # <u>24</u> Exhibit 54, # <u>25</u> Exhibit 55, # <u>26</u> Exhibit 56, # <u>27</u> Exhibit 57, # <u>28</u> Exhibit 58, # <u>29</u> Exhibit 59, # <u>30</u> Exhibit 60, # <u>31</u> Exhibit 61, # <u>32</u> Exhibit 62, # <u>33</u> Exhibit 63, # <u>34</u> Exhibit 64) (jlmS, COURT STAFF). (Additional attachment(s) added on 9/9/2015: # <u>1</u> Main Document) (jlmS, COURT STAFF). Modified on 9/9/2015 (jlmS, COURT STAFF). (Entered: 05/01/2014)
10/09/2012	<u>214</u>	EXHIBITS: 65–101 re <u>116</u> <i>Declaration of Kurt Opsahl in Support Motion for Partial Summary Judgment Rejecting the Government Defendants' State Secret Defense and Opposition to the Government Defendants' Cross Motion</i> , filed by Tash Hepting, Young Boon Hicks, Carolyn Jewel, Erik Knutzen, Joice Walton. (Related document(s) <u>116</u>) (jlmS, COURT STAFF) (Filed on 10/9/2012) (Additional attachment(s) added on 9/9/2015: # <u>1</u> Exhibit 65, # <u>2</u> Exhibit 66, # <u>3</u> Exhibit 67, # <u>4</u> Exhibit 68, # <u>5</u> Exhibit 69, # <u>6</u> Exhibit 70, # <u>7</u> Exhibit 71, # <u>8</u> Exhibit 72, # <u>9</u> Exhibit 73, # <u>10</u> Exhibit 74, # <u>11</u> Exhibit 75, # <u>12</u> Exhibit 76, # <u>13</u> Exhibit 77, # <u>14</u> Exhibit 78, # <u>15</u> Exhibit 79, # <u>16</u> Exhibit 80, # <u>17</u> Exhibit 81, # <u>18</u> Exhibit 82, # <u>19</u> Exhibit 83, # <u>20</u> Exhibit 84, # <u>21</u> Exhibit 85, # <u>22</u> Exhibit 86, # <u>23</u> Exhibit 87, # <u>24</u> Exhibit 88, # <u>25</u> Exhibit 89, # <u>26</u> Exhibit 90, # <u>27</u> Exhibit 91, # <u>28</u> Exhibit 92, # <u>29</u> Exhibit 93, # <u>30</u> Exhibit 94, # <u>31</u> Exhibit 95, # <u>32</u> Exhibit 96, # <u>33</u> Exhibit 97, # <u>34</u> Exhibit 98, # <u>35</u> Exhibit 99, # <u>36</u>

		Exhibit 100, # <u>37</u> Exhibit 101) (jlmS, COURT STAFF). (Entered: 05/01/2014)
10/09/2012	<u>215</u>	EXHIBITS: 102–108 re <u>116</u> <i>Declaration of Kurt Opsahl in Support Motion for Partial Summary Judgment Rejecting the Government Defendants' State Secret Defense and Opposition to the Government Defendants' Cross Motion</i> , filed by Tash Hepting, Young Boon Hicks, Carolyn Jewel, Erik Knutzen, Joice Walton. (Related document(s) <u>116</u>) (jlmS, COURT STAFF) (Filed on 10/9/2012) (Additional attachment(s) added on 9/11/2015: # <u>1</u> Exhibit 102, # <u>2</u> Exhibit 103, # <u>3</u> Exhibit 104; Part 1 of 2, # <u>4</u> Exhibit 104; Part 2 of 2, # <u>5</u> Exhibit 105, # <u>6</u> Exhibit 106, # <u>7</u> Exhibit 107, # <u>8</u> Exhibit 108) (jlmS, COURT STAFF). (Entered: 05/01/2014)
10/09/2012	<u>216</u>	EXHIBITS: 109–114 re <u>116</u> <i>Declaration of Kurt Opsahl in Support Motion for Partial Summary Judgment Rejecting the Government Defendants' State Secret Defense and Opposition to the Government Defendants' Cross Motion</i> , filed by Tash Hepting, Young Boon Hicks, Carolyn Jewel, Erik Knutzen, Joice Walton. (Related document(s) <u>116</u>) (jlmS, COURT STAFF) (Filed on 10/9/2012) Modified on 9/17/2015 (jlmS, COURT STAFF). (Additional attachment(s) added on 9/18/2015: # <u>1</u> Exhibit 109; Part 1 of 2, # <u>2</u> Exhibit 109; Part 2 of 2, # <u>3</u> Exhibit 110, # <u>4</u> Exhibit 111, # <u>5</u> Exhibit 112; Part 1 of 3, # <u>6</u> Exhibit 112; Part 2 of 3, # <u>7</u> Exhibit 112; Part 3 of 3, # <u>8</u> Exhibit 113, # <u>9</u> Exhibit 114) (jlmS, COURT STAFF). Modified on 9/18/2015 (jlmS, COURT STAFF). (Entered: 05/01/2014)
10/09/2012	<u>217</u>	EXHIBITS: 115–120 re <u>116</u> <i>Declaration of Kurt Opsahl in Support Motion for Partial Summary Judgment Rejecting the Government Defendants' State Secret Defense and Opposition to the Government Defendants' Cross Motion</i> , filed by Tash Hepting, Young Boon Hicks, Carolyn Jewel, Erik Knutzen, Joice Walton. (Related document(s) <u>116</u>) (jlmS, COURT STAFF) (Filed on 10/9/2012) Modified on 9/18/2015 (jlmS, COURT STAFF). (Additional attachment(s) added on 9/18/2015: # <u>1</u> Exhibit 116; Part 1 of 4, # <u>2</u> Exhibit 116; Part 2 of 4, # <u>3</u> Exhibit 116; Part 3 of 4, # <u>4</u> Exhibit; Part 4 of 4, # <u>6</u> Exhibit 117, # <u>7</u> Exhibit 118, # <u>8</u> Exhibit 119, # <u>9</u> Exhibit 120) (jlmS, COURT STAFF). (Additional attachment(s) added on 9/24/2015: # <u>10</u> Exhibit 115) (jlmS, COURT STAFF). (Entered: 05/01/2014)
10/09/2012	<u>218</u>	***ERRONEOUS ENTRY; DUPLICATE OF PREVIOUSLY FILED EXHIBITS. PLEASE REFER TO DOCUMENT NOS. <u>211</u> – <u>217</u> *** EXHIBITS (CD – Copies of Exhibits 1–120) re <u>116</u> <i>Declaration of Kurt Opsahl in Support Motion for Partial Summary Judgment Rejecting the Government Defendants' State Secret Defense and Opposition to the Government Defendants' Cross Motion</i> , filed by Tash Hepting, Young Boon Hicks, Carolyn Jewel, Erik Knutzen, Joice Walton. (Related document(s) <u>116</u>) (jlmS, COURT STAFF) (Filed on 10/9/2012) (jlmS, COURT STAFF). Modified on 1/4/2016 (jlmS, COURT STAFF). Modified on 1/4/2016 (jlmS, COURT STAFF). (Entered: 05/01/2014)
10/12/2012	<u>117</u>	NOTICE of Appearance by Babak Siavoshy and Jennifer Urban as Counsel on Behalf of Amicus Curiae People For the American Way Foundation (Siavoshy, Babak) (Filed on 10/12/2012) (Entered: 10/12/2012)
10/12/2012	<u>118</u>	MOTION for Leave to File <i>Brief of Amicus Curiae People For the American Way Foundation In Support of Plaintiffs' Partial Motion for Summary Judgment</i> , MOTION to File Amicus Curiae Brief <i>In Support of Plaintiffs' Motion for Partial Summary Judgment</i> filed by People For the American Way Foundation. Responses due by 10/19/2012. Replies due by 10/26/2012. (Attachments: # <u>1</u> Amicus Brief)(Siavoshy, Babak) (Filed on 10/12/2012) (Entered: 10/12/2012)
10/19/2012	<u>119</u>	REPLY (re <u>102</u> Second MOTION to Dismiss and for Summary Judgment; <i>Opposition to Plaintiffs' Partial Motion for Summary Judgment</i>) <i>Government Defendants' Reply in Support of Second Motion to Dismiss and for Summary Judgment</i> filed by Keith B. Alexander, Department of Justice, Eric Holder, National Security Agency, Barack Obama, United States of America. (Attachments: # <u>1</u> Exhibit Exhibit to Government Defendants' Reply)(Coppolino, Anthony) (Filed on 10/19/2012) (Entered: 10/19/2012)
10/19/2012	<u>120</u>	OBJECTIONS to re <u>115</u> Request for Judicial Notice, <u>116</u> Declaration in Support, <u>113</u> Appendix, <i>Government Defendants' Objection to Plaintiffs' Evidentiary Filings</i> by Keith B. Alexander, Department of Justice, Eric Holder, National Security Agency, Barack Obama, United States of America. (Coppolino, Anthony) (Filed on 10/19/2012) (Entered: 10/19/2012)

10/30/2012	<u>121</u>	ORDER by Judge Jeffrey S. White granting <u>118</u> Motion for Leave to File Amicus Curiae Brief (jjoS, COURT STAFF) (Filed on 10/30/2012) (Entered: 10/30/2012)
11/13/2012	<u>122</u>	ORDER by Judge JEFFREY S. WHITE granting <u>84</u> Administrative Motion to File Under Seal (jjoS, COURT STAFF) (Filed on 11/13/2012) (Entered: 11/13/2012)
12/03/2012	<u>123</u>	Statement of Fact of Death of Gergory Hicks by Tash Hepting, Gregory Hicks, Carolyn Jewel, Erik Knutzen, Joice Walton. (Cohn, Cindy) (Filed on 12/3/2012) (Entered: 12/03/2012)
12/03/2012	<u>124</u>	STIPULATION WITH PROPOSED ORDER <i>Substituting Party</i> filed by Tash Hepting, Gregory Hicks, Carolyn Jewel, Erik Knutzen, Joice Walton. (Cohn, Cindy) (Filed on 12/3/2012) (Entered: 12/03/2012)
12/04/2012	<u>125</u>	Incorrect Document Attached – Please disregard and see Doc. No. 126 ORDER GRANTING <u>124</u> STIPULATION Substituting Party. Signed by Judge JEFFREY S. WHITE on 12/4/12. (jjoS, COURT STAFF) (Filed on 12/4/2012) Modified on 12/4/2012 (jjoS, COURT STAFF). (Entered: 12/04/2012)
12/04/2012	<u>126</u>	ORDER GRANTING <u>124</u> STIPULATION Substituting Party. Signed by Judge Jeffrey S. White on 12/4/12. (jjoS, COURT STAFF) (Filed on 12/4/2012) (Entered: 12/04/2012)
12/10/2012	<u>127</u>	NOTIFICATION OF REQUEST TO VIDEO RECORD DECEMBER 14, 2012 MOTION HEARING Pursuant to General Order 65 and the Cameras in the Courtroom Pilot Project. NO LATER THAN 5:00 p.m. PST on December 11, 2012, all parties shall complete the attached Party Response Form and email it to cameras@cand.uscourts.gov. (Attachments: # <u>1</u> Party Response Form) (cmw, COURT STAFF) (Filed on 12/10/2012) (Entered: 12/10/2012)
12/12/2012	<u>128</u>	NOTICE REGARDING PROPOSED VIDEO RECORDING – All Parties Have Consented to the Video Recording of the December 14, 2012 Motion Hearing as part of the Cameras in the Courtroom Pilot Project. (cmw, COURT STAFF) (Filed on 12/12/2012) (Entered: 12/12/2012)
12/12/2012	<u>129</u>	NOTICE by Tash Hepting, Gregory Hicks, Young Boon Hicks, Carolyn Jewel, Erik Knutzen, Joice Walton <i>Notice of Amended Ninth Circuit Decision in Al-Haramain v. Obama</i> (Cohn, Cindy) (Filed on 12/12/2012) (Entered: 12/12/2012)
12/12/2012	<u>130</u>	NOTICE OF QUESTIONS FOR HEARING. Signed by Judge Jeffrey S. White on December 12, 2012. (jswlc2, COURT STAFF) (Filed on 12/12/2012) (Entered: 12/12/2012)
12/12/2012	<u>131</u>	NOTICE by Tash Hepting, Gregory Hicks, Young Boon Hicks, Carolyn Jewel, Erik Knutzen, Joice Walton <i>Notice of Additional Authorities Pursuant To The Court's December 12, 2012 Order</i> (Wiebe, Richard) (Filed on 12/12/2012) (Entered: 12/12/2012)
12/14/2012	<u>132</u>	Minute Entry: Motion Hearing held on 12/14/2012 before Jeffrey S. White (Date Filed: 12/14/2012). (Court Reporter Joan Columbini.) (jjoS, COURT STAFF) (Date Filed: 12/14/2012) (Entered: 12/14/2012)
12/14/2012		Received Document (EXHIBIT) 1 re <u>132</u> Motion Hearing. (hdjS, COURT STAFF) (Filed on 12/14/2012) (Entered: 12/21/2012)
12/21/2012	<u>133</u>	Transcript of Proceedings held on December 14, 2012, before Judge Jeffrey S. White. Court Reporter/Transcriber Joan Marie Columbini, CSR, RPR, Telephone number 415-255-6842. Per General Order No. 59 and Judicial Conference policy, this transcript may be viewed only at the Clerks Office public terminal or may be purchased through the Court Reporter/Transcriber until the deadline for the Release of Transcript Restriction. After that date it may be obtained through PACER. Any Notice of Intent to Request Redaction, if required, is due no later than 5 business days from date of this filing. Redaction Request due 1/11/2013. Redacted Transcript Deadline set for 1/22/2013. Release of Transcript Restriction set for 3/21/2013. (Columbini, Joan) (Filed on 12/21/2012) (Entered: 12/21/2012)
01/15/2013	<u>134</u>	STIPULATION WITH PROPOSED ORDER <i>regarding substitution of party</i> filed by David S. Addington, Keith B. Alexander, John D. Ashcroft, George W. Bush, Richard B. Cheney, Alberto R. Gonzales, Michael V. Hayden, John M. McConnell, Michael B.

		Mukasey, John D. Negroponte. (Whitman, James) (Filed on 1/15/2013) (Entered: 01/15/2013)
01/16/2013	<u>135</u>	ORDER by Judge Jeffrey S. White granting <u>134</u> Stipulation: The deadline for filing a motion or stipulation for substitution regarding Mr. Hicks claims against the individual capacity defendants is extended until sixty days after the issuance of an order by this Court deciding the cross-motions filed by the plaintiffs and the government defendants sued in their official capacity. (tdm, COURT STAFF) (Filed on 1/16/2013) (Entered: 01/16/2013)
02/12/2013	<u>136</u>	STATEMENT OF RECENT DECISION pursuant to Civil Local Rule 7-3.d (<i>Pollack v. Hogan</i>) filed by Tash Hepting, Young Boon Hicks, Carolyn Jewel, Erik Knutzen, Joice Walton. (Related document(s) <u>83</u> , <u>102</u>) (Wiebe, Richard) (Filed on 2/12/2013) (Entered: 02/12/2013)
02/27/2013	<u>137</u>	STATEMENT OF RECENT DECISION pursuant to Civil Local Rule 7-3.d filed by Keith B. Alexander, Department of Justice, Eric Holder, National Security Agency, Barack Obama, United States of America. (Attachments: # <u>1</u> Clapper v. Amnesty International)(Related document(s) <u>83</u> , <u>102</u>) (Berman, Marcia) (Filed on 2/27/2013) (Entered: 02/27/2013)
02/27/2013	<u>138</u>	ORDER RE ADDITIONAL BRIEFING. Signed by Judge Jeffrey S. White on February 27, 2013. (jswlc2, COURT STAFF) (Filed on 2/27/2013) (Entered: 02/27/2013)
03/06/2013	<u>139</u>	Supplemental Brief by Govt. Defs. Addressing <i>Clapper v. Amnesty Int'l</i> filed by Keith B. Alexander, Department of Justice, Eric Holder, National Security Agency, Barack Obama, United States of America. (Berman, Marcia) (Filed on 3/6/2013) (Entered: 03/06/2013)
03/13/2013	<u>140</u>	Supplemental Brief re <u>83</u> MOTION for Partial Summary Judgment <i>Rejecting the Government Defendants' State Secret Defense</i> , <u>138</u> Order, <u>102</u> Second MOTION to Dismiss <i>and for Summary Judgment; Opposition to Plaintiffs' Partial Motion for Summary Judgment ; Plaintiffs' Supplemental Brief re: Clapper v. Amnesty International</i> filed by Tash Hepting, Young Boon Hicks, Carolyn Jewel, Erik Knutzen, Joice Walton. (Related document(s) <u>83</u> , <u>138</u> , <u>102</u>) (Wiebe, Richard) (Filed on 3/13/2013) (Entered: 03/13/2013)
04/04/2013	<u>141</u>	NOTICE of Change of Address by Cindy Ann Cohn (Cohn, Cindy) (Filed on 4/4/2013) (Entered: 04/04/2013)
06/07/2013	<u>142</u>	NOTICE by Keith B. Alexander, Department of Justice, Eric Holder, National Security Agency, Barack Obama, United States of America re <u>83</u> MOTION for Partial Summary Judgment <i>Rejecting the Government Defendants' State Secret Defense</i> , <u>102</u> Second MOTION to Dismiss <i>and for Summary Judgment; Opposition to Plaintiffs' Partial Motion for Summary Judgment Notice and Request that the Court Hold the Pending Cross-Motions for Summary Judgment in Abeyance</i> (Berman, Marcia) (Filed on 6/7/2013) (Entered: 06/07/2013)
06/13/2013	<u>143</u>	RESPONSE to re <u>142</u> Notice (Other),, <i>Plaintiffs' Opposition to Government Defendants' Request to Stay Litigation</i> by Tash Hepting, Gregory Hicks, Young Boon Hicks, Carolyn Jewel, Erik Knutzen, Joice Walton. (Attachments: # <u>1</u> Proposed Order)(Wiebe, Richard) (Filed on 6/13/2013) (Entered: 06/13/2013)
06/13/2013	<u>144</u>	DECLARATION of Thomas E. Moore III in Opposition to <u>142</u> Notice (Other),, filed by Tash Hepting, Gregory Hicks, Young Boon Hicks, Carolyn Jewel, Erik Knutzen, Joice Walton. (Related document(s) <u>142</u>) (Moore, Thomas) (Filed on 6/13/2013) (Entered: 06/13/2013)
06/19/2013	<u>145</u>	NOTICE by People For the American Way Foundation <i>Of Withdrawal Of Certain Counsel For Amicus Curiae</i> (Siavoshy, Babak) (Filed on 6/19/2013) (Entered: 06/19/2013)
06/19/2013	<u>146</u>	Response re <u>143</u> Response (Non Motion), <i>Government Defendants' Response to Plaintiffs' Opposition to Defendants' June 7, 2013 Notice</i> by Keith B. Alexander, Department of Justice, Eric Holder, National Security Agency, Barack Obama, United States of America. (Coppolino, Anthony) (Filed on 6/19/2013) (Entered: 06/19/2013)

07/02/2013	<u>147</u>	DECLARATION of Richard R. Wiebe in Opposition to <u>142</u> Notice (Other),, filed by Tash Hepting, Young Boon Hicks, Carolyn Jewel, Erik Knutzen, Joice Walton. (Attachments: # <u>1</u> Exhibit Exhibit A, Part 1 of 5, # <u>2</u> Exhibit Exhibit A, Part 2 of 5, # <u>3</u> Exhibit Exhibit A, Part 3 of 5, # <u>4</u> Exhibit Exhibit A, Part 4 of 5, # <u>5</u> Exhibit Exhibit A, Part 5 of 5)(Related document(s) <u>142</u>) (Wiebe, Richard) (Filed on 7/2/2013) (Entered: 07/02/2013)
07/08/2013	<u>148</u>	ORDER by Judge Jeffrey S. White GRANTING <u>83</u> Plaintiff's Motion for Partial Summary Judgment; GRANTING IN PART and DEFERRING RULING IN PART on <u>102</u> Defendants' Motion to Dismiss and for Summary Judgment. (jswlc2, COURT STAFF) (Filed on 7/8/2013) (Entered: 07/08/2013)
07/08/2013		Set/Reset Deadlines:, Set/Reset Hearing pursuant to: <u>148</u> Order on Motion for Partial Summary Judgment, Order on Motion to Dismiss,, Case Management Statement due by 8/16/2013. Case Management Conference set for 8/23/2013 01:30 PM in Courtroom 11, 19th Floor, San Francisco. (jjoS, COURT STAFF) (Filed on 7/8/2013) (Entered: 07/08/2013)
07/12/2013	<u>149</u>	NOTICE of Appearance by Mark Thomas Rumold (Rumold, Mark) (Filed on 7/12/2013) (Entered: 07/12/2013)
07/15/2013	<u>150</u>	MOTION for Reconsideration re <u>148</u> Order on Motion for Partial Summary Judgment, Order on Motion to Dismiss,, filed by Tash Hepting, Gregory Hicks, Young Boon Hicks, Carolyn Jewel, Erik Knutzen, Joice Walton. (Attachments: # <u>1</u> Proposed Order)(Cohn, Cindy) (Filed on 7/15/2013) (Entered: 07/15/2013)
07/16/2013	<u>151</u>	Proposed Order <i>Plaintiffs' Corrected [Proposed] Order Clarifying July 8, 2013 Order (ECF No. 148)</i> by Gregory Hicks, Young Boon Hicks, Carolyn Jewel, Erik Knutzen, Joice Walton. (Cohn, Cindy) (Filed on 7/16/2013) (Entered: 07/16/2013)
07/16/2013	<u>152</u>	MOTION to Relate Case filed by Gregory Hicks, Young Boon Hicks, Carolyn Jewel, Erik Knutzen, Joice Walton. (Cohn, Cindy) (Filed on 7/16/2013) (Entered: 07/16/2013)
07/23/2013	<u>153</u>	AMENDED ORDER. Signed by Judge Jeffrey S. White on July 23, 2013. (jswlc2, COURT STAFF) (Filed on 7/23/2013) (Entered: 07/23/2013)
07/24/2013	<u>154</u>	ORDER by Judge Jeffrey S. White granting <u>152</u> Motion to Relate Case (jjoS, COURT STAFF) (Filed on 7/24/2013) (Entered: 07/24/2013)
07/30/2013	<u>155</u>	STIPULATION WITH PROPOSED ORDER to <i>Continue Case Management Conference</i> filed by Keith B. Alexander, Department of Justice, Eric Holder, National Security Agency, Barack Obama, United States of America. (Berman, Marcia) (Filed on 7/30/2013) (Entered: 07/30/2013)
08/05/2013	<u>156</u>	ORDER GRANTING <u>155</u> Stipulation to Continue Case Management Conference. Case Management Statement due by 9/20/2013. Case Management Conference set for 9/27/2013 01:30 PM in Courtroom 11, 19th Floor, San Francisco. Signed by Judge Jeffrey S. White on August 5, 2013. (jswlc3, COURT STAFF) (Filed on 8/5/2013) (Entered: 08/05/2013)
09/11/2013	<u>157</u>	NOTICE of Appearance by Benjamin Berkowitz (Berkowitz, Benjamin) (Filed on 9/11/2013) (Entered: 09/11/2013)
09/11/2013	<u>158</u>	NOTICE of Appearance by Justina Kahn Sessions (Sessions, Justina) (Filed on 9/11/2013) (Entered: 09/11/2013)
09/20/2013	<u>159</u>	CASE MANAGEMENT STATEMENT <i>Joint</i> filed by Tash Hepting, Young Boon Hicks, Carolyn Jewel, Erik Knutzen, Joice Walton. (Wiebe, Richard) (Filed on 9/20/2013) (Entered: 09/20/2013)
09/27/2013	<u>160</u>	Minute Entry: Status Conference held (Date Filed: 9/30/2013). (Court Reporter Debra Pas.) (jjoS, COURT STAFF) (Date Filed: 9/30/2013) Modified on 9/30/2013 (jjoS, COURT STAFF). (Entered: 09/30/2013)
09/30/2013	<u>161</u>	AMENDED Minute Entry: (Correction re: Briefing Schedule) Status Conference held (Date Filed: 9/30/2013). (Court Reporter Debra Pas.) (jjoS, COURT STAFF) (Filed on 9/30/2013) (Entered: 09/30/2013)

10/01/2013	<u>162</u>	TRANSCRIPT ORDER by Tash Hepting, Gregory Hicks, Young Boon Hicks, Carolyn Jewel, Erik Knutzen, Joice Walton for Court Reporter Debra Pas. (Cohn, Cindy) (Filed on 10/1/2013) (Entered: 10/01/2013)
10/03/2013	<u>163</u>	TRANSCRIPT ORDER by Keith B. Alexander, Department of Justice, Eric Holder, National Security Agency, Barack Obama, United States of America for Court Reporter Debra Pas. (Gilligan, James) (Filed on 10/3/2013) (Entered: 10/03/2013)
10/30/2013	<u>164</u>	Transcript of Proceedings held on 9-27-2013, before Judge Jeffrey S. White. Court Reporter/Transcriber Debra L. Pas, CRR, Telephone number (415) 431-1477. Per General Order No. 59 and Judicial Conference policy, this transcript may be viewed only at the Clerks Office public terminal or may be purchased through the Court Reporter/Transcriber until the deadline for the Release of Transcript Restriction. After that date it may be obtained through PACER. Any Notice of Intent to Request Redaction, if required, is due no later than 5 business days from date of this filing. Release of Transcript Restriction set for 1/28/2014. (Related documents(s) <u>162</u>) (Pas, Debra) (Filed on 10/30/2013) (Entered: 10/30/2013)
11/01/2013	<u>165</u>	NOTICE of Change of Address by Thomas Edward Moore, III (Moore, Thomas) (Filed on 11/1/2013) (Entered: 11/01/2013)
12/11/2013	<u>166</u>	NOTICE of Appearance by Andrew Gellis Crocker (Crocker, Andrew) (Filed on 12/11/2013) (Entered: 12/11/2013)
12/20/2013	<u>167</u>	Supplemental Brief of Govt. Defs. on Threshold Legal Issues as Ordered by the Court at the Sept. 27, 2013 Case Management Conference filed by Keith B. Alexander, Department of Justice, Eric Holder, National Security Agency, Barack Obama, United States of America. (Berman, Marcia) (Filed on 12/20/2013) (Entered: 12/20/2013)
12/20/2013	<u>168</u>	Declaration of James Clapper , <i>Director of National Intelligence (Public Declaration)</i> filed by Keith B. Alexander, Department of Justice, Eric Holder, National Security Agency, Barack Obama, United States of America. (Berman, Marcia) (Filed on 12/20/2013) (Entered: 12/20/2013)
12/20/2013	<u>169</u>	Declaration of Frances J. Fleisch , <i>National Security Agency (Public Declaration)</i> filed by Keith B. Alexander, Department of Justice, Eric Holder, National Security Agency, Barack Obama, United States of America. (Berman, Marcia) (Filed on 12/20/2013) (Entered: 12/20/2013)
12/20/2013	<u>170</u>	NOTICE by Keith B. Alexander, Department of Justice, Eric Holder, National Security Agency, Barack Obama, United States of America of <i>Lodging of In Camera, Ex Parte Classified Declaration of James R. Clapper, Director of National Intelligence</i> (Berman, Marcia) (Filed on 12/20/2013) (Entered: 12/20/2013)
12/20/2013	<u>171</u>	NOTICE by Keith B. Alexander, Department of Justice, Eric Holder, National Security Agency, Barack Obama, United States of America of <i>Lodging of In Camera, Ex Parte Classified Declaration of Frances J. Fleisch, Acting Deputy Director of the National Security Agency</i> (Berman, Marcia) (Filed on 12/20/2013) (Entered: 12/20/2013)
12/20/2013	<u>172</u>	NOTICE by Keith B. Alexander, Department of Justice, Eric Holder, National Security Agency, Barack Obama, United States of America of <i>Filing Declassified Declarations</i> (Attachments: # <u>1</u> 2007 Declaration of J. Michael McConnell, Director of National Intelligence, filed in Jewel v. NSA and Shubert v. Obama, # <u>2</u> 2007 Declaration of Lt. Gen. Keith B. Alexander, Director, National Security Agency, filed in Jewel v. NSA and Shubert v. Obama, # <u>3</u> 2009 Declaration of Dennis C. Blair, Director of National Intelligence, filed in Jewel v. NSA, # <u>4</u> 2009 Declaration of Dennis C. Blair, Director of National Intelligence, filed in Shubert v. Obama, # <u>5</u> 2009 Declaration of Deborah A. Bonanni, National Security Agency, filed in Jewel v. NSA, # <u>6</u> 2009 Declaration of Lt. Gen. Keith B. Alexander, Director, National Security Agency, filed in Shubert v. Obama, # <u>7</u> 2012 Declaration of James R. Clapper, Director of National Intelligence, filed in Jewel v. NSA and Shubert v. Obama, # <u>8</u> 2012 Declaration of Frances J. Fleisch, National Security Agency, filed in Jewel v. NSA and Shubert v. Obama)(Berman, Marcia) (Filed on 12/20/2013) (Entered: 12/20/2013)
01/10/2014	<u>173</u>	RESPONSE to re <u>172</u> Notice (Other),,,, by Tash Hepting, Gregory Hicks, Young Boon Hicks, Carolyn Jewel, Erik Knutzen, Joice Walton. (Cohn, Cindy) (Filed on

		1/10/2014) (Entered: 01/10/2014)
01/10/2014	<u>174</u>	Declaration of Mark Rumold in Support of <u>173</u> Response (Non Motion) filed by Tash Hepting, Gregory Hicks, Young Boon Hicks, Carolyn Jewel, Erik Knutzen, Joice Walton. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7, # <u>8</u> Exhibit 8, # <u>9</u> Exhibit 9, # <u>10</u> Exhibit 10)(Related document(s) <u>173</u>) (Rumold, Mark) (Filed on 1/10/2014) (Entered: 01/10/2014)
01/28/2014	<u>175</u>	STIPULATION WITH PROPOSED ORDER <i>to Extend Briefing Schedule for Partial Summary Judgment Motion</i> filed by Tash Hepting, Gregory Hicks, Young Boon Hicks, Carolyn Jewel, Erik Knutzen, Joice Walton. (Cohn, Cindy) (Filed on 1/28/2014) (Entered: 01/28/2014)
01/29/2014	<u>176</u>	ORDER by Judge JEFFREY S. WHITE granting <u>175</u> Stipulation to Extend Briefing Schedule for Partial Summary Judgment Motion (jjoS, COURT STAFF) (Filed on 1/29/2014) (Entered: 01/29/2014)
01/31/2014	<u>177</u>	Supplemental Brief re <u>167</u> Supplemental Brief, <i>PLAINTIFFS RESPONSES TO THE COURTS FOUR QUESTIONS</i> filed by Tash Hepting, Young Boon Hicks, Carolyn Jewel, Erik Knutzen, Joice Walton. (Related document(s) <u>167</u>) (Wiebe, Richard) (Filed on 1/31/2014) (Entered: 01/31/2014)
01/31/2014	<u>178</u>	Declaration in Support of <u>177</u> Supplemental Brief, <i>DECLARATION OF RICHARD R. WIEBE IN SUPPORT OF PLAINTIFFS RESPONSES TO THE COURTS FOUR QUESTIONS</i> filed by Tash Hepting, Young Boon Hicks, Carolyn Jewel, Erik Knutzen, Joice Walton. (Related document(s) <u>177</u>) (Wiebe, Richard) (Filed on 1/31/2014) (Entered: 01/31/2014)
02/10/2014	<u>179</u>	First MOTION for leave to appear in Pro Hac Vice <i>in Jewel et al. v. NSA et al.</i> (Filing fee \$ 305, receipt number 0971-8362288.) filed by Reporters Committee for Freedom of the Press. (Attachments: # <u>1</u> Certificate of Good Standing)(Brown, Bruce) (Filed on 2/10/2014) (Entered: 02/10/2014)
02/10/2014	<u>180</u>	STIPULATION WITH PROPOSED ORDER <i>to Extend the Briefing Schedule on the Court's Four Questions and to Vacate the Briefing Schedule on Plaintiffs' Motion for Partial Summary Judgment</i> filed by Keith B. Alexander, Department of Justice, Eric Holder, National Security Agency, Barack Obama, United States of America. (Berman, Marcia) (Filed on 2/10/2014) (Entered: 02/10/2014)
02/11/2014	<u>181</u>	ORDER by Judge JEFFREY S. WHITE granting <u>180</u> Stipulation to Extend the Briefing Schedule on the Court's Four Questions and to Vacate the Briefing Schedule on Plaintiffs' Motion for Partial Summary Judgment (jjoS, COURT STAFF) (Filed on 2/11/2014) (Entered: 02/11/2014)
02/11/2014	<u>182</u>	ORDER by Judge JEFFREY S. WHITE granting <u>179</u> Motion for Pro Hac Vice for Bruce D. Brown (jjoS, COURT STAFF) (Filed on 2/11/2014) (Entered: 02/11/2014)
02/27/2014	<u>183</u>	STIPULATION WITH PROPOSED ORDER (<i>Second Stipulation and Proposed Order To Extend the Briefing Schedule on the Court's Four Questions</i>) filed by Keith B. Alexander, Department of Justice, Eric Holder, National Security Agency, Barack Obama, United States of America. (Gilligan, James) (Filed on 2/27/2014) (Entered: 02/27/2014)
03/03/2014	<u>184</u>	ORDER by Judge JEFFREY S. WHITE granting <u>183</u> Second Stipulation and Proposed Order To Extend the Briefing Schedule on the Court's Four Questions (jjoS, COURT STAFF) (Filed on 3/3/2014) (Entered: 03/03/2014)
03/07/2014	<u>185</u>	RESPONSE to <i>Court's Threshold Issues (Government Defendants' Reply on Threshold Legal Issues as Ordered by the Court at the September 27, 2013, Status Conference)</i> by Keith B. Alexander, Dennis C Blair, Department of Justice, Eric Holder, National Security Agency, Barack Obama, United States of America. (Gilligan, James) (Filed on 3/7/2014) (Entered: 03/07/2014)
03/10/2014	<u>186</u>	MOTION for Temporary Restraining Order filed by Tash Hepting, Gregory Hicks, Young Boon Hicks, Carolyn Jewel, Erik Knutzen, Joice Walton. (Attachments: # <u>1</u> Declaration of Cindy Cohn, # <u>2</u> Exhibit A, # <u>3</u> Exhibit B, # <u>4</u> Exhibit C, # <u>5</u> Exhibit D,

		# <u>6</u> Exhibit E, # <u>7</u> Proposed Order)(Cohn, Cindy) (Filed on 3/10/2014) (Entered: 03/10/2014)
03/10/2014	<u>187</u>	ORDER RE TEMPORARY RESTRAINING ORDER. Signed by Judge Jeffrey S. White on 3/10/14. (jjoS, COURT STAFF) (Filed on 3/10/2014) (Entered: 03/10/2014)
03/10/2014		Set/Reset Deadlines as to (186 in 3:08-cv-04373-JSW) MOTION for Temporary Restraining Order , (86 in 3:13-cv-03287-JSW) MOTION for Temporary Restraining Order . Responses due by 3/10/2014 by 2:00 p.m. P.S.T. (jjoS, COURT STAFF) (Filed on 3/10/2014) (Entered: 03/10/2014)
03/10/2014	<u>188</u>	RESPONSE to <i>Court's Order re: Plaintiffs' Motion for TRO</i> by Keith B. Alexander, Dennis C Blair, Department of Justice, Eric Holder, National Security Agency, Barack Obama, United States of America. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3)(Gilligan, James) (Filed on 3/10/2014) (Entered: 03/10/2014)
03/10/2014	<u>189</u>	ORDER GRANTING (86 in 3:13-cv-03287-JSW) Motion for Temporary Restraining Order, (186 in 3:08-cv-04373-JSW) Motion for Temporary Restraining Order. Motions due by 3/13/2014 at 2:00 p.m. Responses due by 3/17/2014 at 11:00 a.m. Replies due by 3/18/2014 at 2:00 p.m. Motion Hearing set for 3/19/2014 02:00 PM in Courtroom 11, 19th Floor, San Francisco before Hon. Jeffrey S. White. Signed by Judge Jeffrey S. White on March 10, 2014. (jswlc3, COURT STAFF) (Filed on 3/10/2014) (Entered: 03/10/2014)
03/11/2014	<u>190</u>	ERRATA re <u>185</u> Response (Non Motion), <i>Gvt. Defs.' Reply on Threshold Legal Issues as Ordered by the Court at the Sept. 27, 2013 Status Conference</i> by Keith B. Alexander, Dennis C Blair, Department of Justice, Eric Holder, National Security Agency, Barack Obama, United States of America. (Attachments: # <u>1</u> Corrected Gvt. Defs.' Reply on Threshold Legal Issues Ordered by the Court)(Berman, Marcia) (Filed on 3/11/2014) (Entered: 03/11/2014)
03/13/2014	<u>191</u>	Brief <i>Plaintiffs' Opening Brief Re Evidence Preservation</i> filed byTash Hepting, Young Boon Hicks, Carolyn Jewel, Erik Knutzen, Joice Walton. (Attachments: # <u>1</u> Proposed Order)(Cohn, Cindy) (Filed on 3/13/2014) (Entered: 03/13/2014)
03/14/2014	<u>192</u>	Clerks Notification of Request for Video Recording (Attachments: # <u>1</u> Party Response to Request for Video Recording) (zml, COURT STAFF) (Filed on 3/14/2014) (Entered: 03/14/2014)
03/17/2014	<u>193</u>	RESPONSE to re <u>191</u> Brief (<i>Government Defendants' Response to Plaintiffs' Opening Brief re Preservation</i>) by Keith B. Alexander, Dennis C Blair, Department of Justice, Eric Holder, National Security Agency, Barack Obama, United States of America. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C)(Gilligan, James) (Filed on 3/17/2014) (Entered: 03/17/2014)
03/17/2014	<u>194</u>	NOTICE by Keith B. Alexander, Dennis C Blair, George W. Bush, Department of Justice, Eric Holder, National Security Agency, Barack Obama, United States of America (<i>Government Defendants' Notice of Filing of Ex Parte, In Camera Declaration of Teresa H. Shea, Director of the Signals Intelligence Directorate, NSA</i>) (Gilligan, James) (Filed on 3/17/2014) (Entered: 03/17/2014)
03/18/2014	<u>195</u>	Clerk's Notice Regarding Proposed Video Recording (zml, COURT STAFF) (Filed on 3/18/2014) (Entered: 03/18/2014)
03/18/2014	<u>196</u>	Brief re <u>191</u> Brief <i>Plaintiffs' Reply Brief Re Evidence Preservation</i> filed byTash Hepting, Gregory Hicks, Young Boon Hicks, Carolyn Jewel, Erik Knutzen, Joice Walton. (Related document(s) <u>191</u>) (Cohn, Cindy) (Filed on 3/18/2014) (Entered: 03/18/2014)
03/18/2014	<u>197</u>	NOTICE OF QUESTIONS FOR HEARING. Signed by Judge Jeffrey S. White on March 18, 2014. (jswlc2, COURT STAFF) (Filed on 3/18/2014) (Entered: 03/18/2014)
03/19/2014	<u>198</u>	TRANSCRIPT ORDER by Keith B. Alexander, Dennis C Blair, Department of Justice, Eric Holder, National Security Agency, Barack Obama, United States of America for Court Reporter Lydia Zinn. (Gilligan, James) (Filed on 3/19/2014) (Entered: 03/19/2014)

03/19/2014	<u>199</u>	*** SEE CORRECTED TRANSCRIPT AT 201 . *** Transcript of Proceedings held on 3/19/2014, before Judge Jeffrey S. White. Court Reporter/Transcriber Lydia Zinn, Telephone number (415) 531-6587. Per General Order No. 59 and Judicial Conference policy, this transcript may be viewed only at the Clerks Office public terminal or may be purchased through the Court Reporter/Transcriber until the deadline for the Release of Transcript Restriction. After that date it may be obtained through PACER. Any Notice of Intent to Request Redaction, if required, is due no later than 5 business days from date of this filing. Release of Transcript Restriction set for 6/17/2014. (Zinn, Lydia) (Filed on 3/19/2014) Modified on 3/20/2014 (fff, COURT STAFF). (Entered: 03/19/2014)
03/19/2014	<u>206</u>	AMENDED Minute Entry: Motion Hearing held on 3/19/2014 before Judge Jeffrey S. White (Date Filed: 3/19/2014) re (186 in 3:08-cv-04373-JSW) MOTION for Temporary Restraining Order and (86 in 3:13-cv-03287-JSW) MOTION for Temporary Restraining Order. (Court Reporter Lydia Zinn.) (jjoS, COURT STAFF) (Date Filed: 3/19/2014) (jjoS, COURT STAFF) (Filed on 3/19/2014) Modified on 4/18/2014 (jlmS, COURT STAFF). (Entered: 04/17/2014)
03/20/2014	<u>200</u>	Minute Entry: Motion Hearing held on 3/19/2014 before Judge Jeffrey S. White (Date Filed: 3/20/2014) re (186 in 3:08-cv-04373-JSW) MOTION for Temporary Restraining Order and (86 in 3:13-cv-03287-JSW) MOTION for Temporary Restraining Order. (Court Reporter Lydia Zinn.) (jjoS, COURT STAFF) (Date Filed: 3/20/2014) (Entered: 03/20/2014)
03/20/2014	<u>201</u>	Amended Transcript of Proceedings (amended both to reflect a correction of the hearing date on the cover page, and a correction as to the contact information for the National Security Agency) held on 03/19/2014, before Judge Jeffrey S. White. Court Reporter/Transcriber Lydia Zinn, Telephone number (415) 531-6587. Per General Order No. 59 and Judicial Conference policy, this transcript may be viewed only at the Clerks Office public terminal or may be purchased through the Court Reporter/Transcriber until the deadline for the Release of Transcript Restriction. After that date it may be obtained through PACER. Any Notice of Intent to Request Redaction, if required, is due no later than 5 business days from date of this filing. Release of Transcript Restriction set for 6/18/2014. (Zinn, Lydia) (Filed on 3/20/2014) (Entered: 03/20/2014)
03/21/2014	<u>202</u>	NOTICE by Tash Hepting, Gregory Hicks, Young Boon Hicks, Carolyn Jewel, Erik Knutzen, Joice Walton <i>Notice of Opinion and Order by Foreign Intelligence Surveillance Court</i> (Cohn, Cindy) (Filed on 3/21/2014) (Entered: 03/21/2014)
03/24/2014	<u>203</u>	Supplemental Brief re <u>167</u> Supplemental Brief, <u>190</u> Errata, <u>177</u> Supplemental Brief, <i>PLAINTIFFS REPLY Re QUESTION THREE (Clapper) OF THE COURTS FOUR QUESTIONS</i> filed by Tash Hepting, Young Boon Hicks, Carolyn Jewel, Erik Knutzen, Joice Walton. (Related document(s) <u>167</u> , <u>190</u> , <u>177</u>) (Wiebe, Richard) (Filed on 3/24/2014) (Entered: 03/24/2014)
03/26/2014	<u>204</u>	RESPONSE to <i>the Court's Question About Rule 11 Certifications</i> by Keith B. Alexander, Dennis C Blair, Department of Justice, Eric Holder, National Security Agency, Barack Obama, United States of America. (Berman, Marcia) (Filed on 3/26/2014) (Entered: 03/26/2014)
04/01/2014	<u>205</u>	ORDER RE UNDER SEAL DOCUMENTS. Signed by Judge Jeffrey S. White on 4/1/14. (jjoS, COURT STAFF) (Filed on 4/1/2014) (Entered: 04/01/2014)
04/21/2014	<u>207</u>	STIPULATION WITH PROPOSED ORDER for an Extension of Time to Process for Public Filing Certain Classified Declarations and for an Extension of Time To File a Rule 11 Certification Regarding Preservation in First Unitarian, filed by Keith B. Alexander, Dennis C Blair, Department of Justice, Eric Holder, National Security Agency, Barack Obama, United States of America, Gregory Hicks, Carolyn Jewel, Erik Knutzen, Joice Walton, Tash Hepting. (Gilligan, James) (Filed on 4/21/2014) Modified on 4/22/2014 (jlmS, COURT STAFF). (Entered: 04/21/2014)
04/21/2014	<u>208</u>	NOTICE of Appearance of Counsel filed by Aram Vazken Antaramian, filed by Tash Hepting, Gregory Hicks, Young Boon Hicks, Carolyn Jewel, Erik Knutzen, Joice Walton (Antaramian, Aram) (Filed on 4/21/2014) Modified on 4/22/2014 (jlmS, COURT STAFF). (Entered: 04/21/2014)

04/21/2014	<u>209</u>	NOTICE of Identification of Classified Declarations Filed on the Public Record in Redacted Form and Those Undergoing Classification Review, filed by Keith B. Alexander, Dennis C Blair, Department of Justice, Eric Holder, National Security Agency, Barack Obama, United States of America (Gilligan, James) (Filed on 4/21/2014) Modified on 4/22/2014 (jlmS, COURT STAFF). (Entered: 04/21/2014)
04/22/2014	<u>210</u>	ORDER GRANTING (107 in 4:13-cv-03287-JSW) and (207 in 4:08-cv-4373-JSW) STIPULATION for an Extension of Time To Process for Public Filing Certain Classified Declarations and for an Extension of Time To File a Rule 11 Certification Regarding Preservation. Signed by Judge Jeffrey S. White on April 21, 2014. (jswlc3, COURT STAFF) (Filed on 4/22/2014) (Entered: 04/22/2014)
05/05/2014	<u>219</u>	Classified Declaration of Michael B. Mukasey in Support of <u>209 Notice of Identification of Classified Declarations Filed on the Public Record in Redacted Form and Those Undergoing Classification Review/Declassified 2008 Certification of Attorney General Mukasey</u> , filed by Keith B. Alexander, Dennis C Blair, Department of Justice, Eric Holder, National Security Agency, Barack Obama, United States of America. (Related document(s) <u>209</u>) (Berman, Marcia) (Filed on 5/5/2014) Modified on 5/6/2014 (jlmS, COURT STAFF). Modified on 5/6/2014 (jlmS, COURT STAFF). Modified on 5/6/2014 (jlmS, COURT STAFF). (Entered: 05/05/2014)
05/05/2014	<u>220</u>	Classified Declaration of James R. Clapper, DNI in Support of <u>209 Notice of Identification of Classified Declarations Filed on the Public Record in Redacted Form and Those Undergoing Classification Review/Declassified 2007</u> , filed by Keith B. Alexander, Dennis C Blair, Department of Justice, Eric Holder, National Security Agency, Barack Obama, United States of America. (Related document(s) <u>209</u>) (Berman, Marcia) (Filed on 5/5/2014) Modified on 5/6/2014 (jlmS, COURT STAFF). Modified on 5/6/2014 (jlmS, COURT STAFF). Modified on 5/6/2014 (jlmS, COURT STAFF). (Entered: 05/05/2014)
05/05/2014	<u>221</u>	Classified Declaration of J. Michael McConnell, DNI in Support of <u>209 Notice of Identification of Classified Declarations Filed on the Public Record in Redacted Form and Those Undergoing Classification Review/Declassified 2007</u> , filed by Keith B. Alexander, Dennis C Blair, Department of Justice, Eric Holder, National Security Agency, Barack Obama, United States of America. (Related document(s) <u>209</u>) (Berman, Marcia) (Filed on 5/5/2014) Modified on 5/6/2014 (jlmS, COURT STAFF). Modified on 5/6/2014 (jlmS, COURT STAFF). Modified on 5/6/2014 (jlmS, COURT STAFF). (Entered: 05/05/2014)
05/05/2014	<u>222</u>	Classified Declaration of John D. Negroponte, DNI Negroponte in Support of <u>209 Notice of Identification of Classified Declarations Filed on the Public Record in Redacted Form and Those Undergoing Classification Review/Declassified 2006</u> filed by Keith B. Alexander, Dennis C Blair, Department of Justice, Eric Holder, National Security Agency, Barack Obama, United States of America. (Related document(s) <u>209</u>) (Berman, Marcia) (Filed on 5/5/2014) Modified on 5/6/2014 (jlmS, COURT STAFF). Modified on 5/6/2014 (jlmS, COURT STAFF). (Entered: 05/05/2014)
05/05/2014	<u>223</u>	Supplemental Declaration of John D. Negroponte in Support of <u>209 Notice of Identification of Classified Declarations Filed on the Public Record in Redacted Form and Those Undergoing Classification Review/Declassified 2006 Supplemental Declaration of DNI Negroponte</u> , filed by Keith B. Alexander, Dennis C Blair, Department of Justice, Eric Holder, National Security Agency, Barack Obama, United States of America. (Related document(s) <u>209</u>) (Berman, Marcia) (Filed on 5/5/2014) Modified on 5/6/2014 (jlmS, COURT STAFF). (Entered: 05/05/2014)
05/05/2014	<u>224</u>	Classified Declaration of Lt. General Keith B. Alexander in Support of <u>209 Notice of Identification of Classified Declarations Filed on the Public Record in Redacted Form and Those Undergoing Classification Review/Declassified 2006</u> , filed by Keith B. Alexander, Dennis C Blair, Department of Justice, Eric Holder, National Security Agency, Barack Obama, United States of America. (Related document(s) <u>209</u>) (Berman, Marcia) (Filed on 5/5/2014) Modified on 5/6/2014 (jlmS, COURT STAFF). (Entered: 05/05/2014)
05/05/2014	<u>225</u>	Classified Declaration of Lieutenant General Keith B. Alexander in Support of <u>209 Notice of Identification of Classified Declarations Filed on the Public Record in</u>

		<i>Redacted Form and Those Undergoing Classification Review/Declassified 2007</i> , filed by Keith B. Alexander, Dennis C Blair, Department of Justice, Eric Holder, National Security Agency, Barack Obama, United States of America. (Related document(s) <u>209</u>) (Berman, Marcia) (Filed on 5/5/2014) Modified on 5/6/2014 (jlmS, COURT STAFF). (Entered: 05/05/2014)
05/05/2014	<u>226</u>	Classified Declaration of William B. Black, Acting Director, NSI in Support of <u>209 Notice of Identification of Classified Declarations Filed on the Public Record in Redacted Form and Those Undergoing Classification Review/Declassified 2006</u> , filed by Keith B. Alexander, Dennis C Blair, Department of Justice, Eric Holder, National Security Agency, Barack Obama, United States of America. (Related document(s) <u>209</u>) (Berman, Marcia) (Filed on 5/5/2014) Modified on 5/6/2014 (jlmS, COURT STAFF). (Entered: 05/05/2014)
05/05/2014	<u>227</u>	Classified Declaration of Frances Fleisch in Support of <u>209 Notice of Identification of Classified Declarations Filed on the Public Record in Redacted Form and Those Undergoing Classification Review/Declassified 2013</u> , filed by Keith B. Alexander, Dennis C Blair, Department of Justice, Eric Holder, National Security Agency, Barack Obama, United States of America. (Related document(s) <u>209</u>) (Berman, Marcia) (Filed on 5/5/2014) Modified on 5/6/2014 (jlmS, COURT STAFF). (Entered: 05/05/2014)
05/05/2014	<u>228</u>	Classified Declaration of Teresa H. Shea in Support of <u>209 Notice of Identification of Classified Declarations Filed on the Public Record in Redacted Form and Those Undergoing Classification Review/Declassified 2014</u> , filed by Keith B. Alexander, Dennis C Blair, Department of Justice, Eric Holder, National Security Agency, Barack Obama, United States of America. (Related document(s) <u>209</u>) (Berman, Marcia) (Filed on 5/5/2014) Modified on 5/6/2014 (jlmS, COURT STAFF). (Entered: 05/05/2014)
05/09/2014	<u>229</u>	Brief re Compliance with Preservation Orders, filed by Keith B. Alexander, Dennis C Blair, Department of Justice, Eric Holder, National Security Agency, Barack Obama, United States of America. (Berman, Marcia) (Filed on 5/9/2014) Modified on 5/12/2014 (jlmS, COURT STAFF). (Entered: 05/09/2014)
05/09/2014	<u>230</u>	[REDACTED] Classified Declaration of Miriam P., National Security Agency Ex Parte, In Camera Submission, filed by Keith B. Alexander, Dennis C Blair, Department of Justice, Eric Holder, National Security Agency, Barack Obama, United States of America. (Berman, Marcia) (Filed on 5/9/2014) Modified on 5/12/2014 (jlmS, COURT STAFF). (Entered: 05/09/2014)
05/09/2014	<u>231</u>	NOTICE of Lodging of Classified NSA Declaration, filed by Keith B. Alexander, Dennis C Blair, Department of Justice, Eric Holder, National Security Agency, Barack Obama, United States of America (Berman, Marcia) (Filed on 5/9/2014) Modified on 5/12/2014 (jlmS, COURT STAFF). (Entered: 05/09/2014)
05/09/2014	<u>232</u>	Declaration of Anthony J. Coppolino filed by Keith B. Alexander, Dennis C Blair, Department of Justice, Eric Holder, National Security Agency, Barack Obama, United States of America. (Berman, Marcia) (Filed on 5/9/2014) Modified on 5/12/2014 (jlmS, COURT STAFF). (Entered: 05/09/2014)
05/30/2014	<u>233</u>	Brief <i>re: the Government's Non-Compliance with the Court's Evidence Preservation Orders</i> filed by Tash Hepting, Gregory Hicks, Young Boon Hicks, Carolyn Jewel, Erik Knutzen, Joice Walton. (Attachments: # <u>1</u> Proposed Order)(Cohn, Cindy) (Filed on 5/30/2014) (Entered: 05/30/2014)
06/03/2014	<u>234</u>	ORDER GRANTING STIPULATION CONCERNING BRIEFING SCHEDULE. Signed by Judge Jeffrey S. White on 6/3/14. (jjoS, COURT STAFF) (Filed on 6/3/2014) (Entered: 06/03/2014)
06/05/2014	<u>235</u>	Emergency Ex Parte MOTION to Enforce the Court's Temporary Restraining Order, filed by Tash Hepting, Gregory Hicks, Young Boon Hicks, Carolyn Jewel, Erik Knutzen, Joice Walton. (Attachments: # <u>1</u> Declaration of Cindy Cohn)(Cohn, Cindy) (Filed on 6/5/2014) Modified on 6/6/2014 (jlmS, COURT STAFF). (Entered: 06/05/2014)

06/05/2014	<u>236</u>	ORDER re <u>235</u> Emergency Ex Parte Application to Enforce the Court's Temporary Restraining Order. Signed by Judge Jeffrey S. White on 6/5/14. (jjoS, COURT STAFF) (Filed on 6/5/2014) (Entered: 06/05/2014)
06/05/2014	<u>237</u>	Emergency MOTION to Stay re <u>236</u> Order <i>Emergency Motion to Stay the Court's June 5, 2014 Order</i> filed by Department of Justice, Eric Holder, National Security Agency, Barack Obama, United States of America. Responses due by 6/6/2014. Replies due by 6/13/2014. (Coppolino, Anthony) (Filed on 6/5/2014) (Entered: 06/05/2014)
06/05/2014	<u>238</u>	Memorandum in Opposition re <u>237</u> <i>Emergency Motion to Stay Order</i> filed by Tash Hepting, Gregory Hicks, Young Boon Hicks, Carolyn Jewel, Erik Knutzen, Joice Walton. (Cohn, Cindy) (Filed on 6/5/2014) Modified on 6/6/2014 (jlmS, COURT STAFF). (Entered: 06/05/2014)
06/06/2014	<u>239</u>	ORDER SETTING HEARING. APPLICATION TO ENFORCE Temporary Restraining Order Hearing set for 6/6/2014 02:00 PM.. Signed by Judge Jeffrey S. White on 6/6/14. (jjoS, COURT STAFF) (Filed on 6/6/2014) (Entered: 06/06/2014)
06/06/2014	<u>240</u>	NOTICE of Phone Number for Government Counsel for Emergency Hearing, filed by Department of Justice re <u>239</u> <i>Order</i> , filed by Eric Holder, National Security Agency, Barack Obama, United States of America (Coppolino, Anthony) (Filed on 6/6/2014) Modified on 6/9/2014 (jlmS, COURT STAFF). (Entered: 06/06/2014)
06/06/2014	<u>241</u>	MOTION for Extension of Time to File Opposition to Plaintiffs' Emergency Motion to Enforce Court's Temporary Restraining Order, filed by Department of Justice, Eric Holder, National Security Agency, Barack Obama, United States of America. (Coppolino, Anthony) (Filed on 6/6/2014) Modified on 6/9/2014 (jlmS, COURT STAFF). Modified on 6/9/2014 (jlmS, COURT STAFF). (Entered: 06/06/2014)
06/06/2014	<u>242</u>	ORDER by Judge Jeffrey S. White granting in part <u>241</u> Motion for Extension of Time to File Opposition. Signed by Judge Jeffrey S. White, on 06/06/2014 (jswlc2, COURT STAFF) (Filed on 6/6/2014) Modified on 6/9/2014 (jlmS, COURT STAFF). (Entered: 06/06/2014)
06/06/2014	<u>243</u>	Memorandum in Opposition re <u>235</u> <i>Emergency Ex Parte Motion to Enforce the Court's Temporary Restraining Order</i> , filed by Keith B. Alexander, Department of Justice, Eric Holder, National Security Agency, Barack Obama, United States of America. (Berman, Marcia) (Filed on 6/6/2014) Modified on 6/9/2014 (jlmS, COURT STAFF). (Entered: 06/06/2014)
06/06/2014	<u>244</u>	Declaration of Richard H. Ledgett, Jr. in Support re <u>243</u> <i>Memorandum in Opposition</i> filed by United States of America. (Attachments: # <u>1</u> Ex. B, # <u>2</u> Ex. C, # <u>3</u> Ex. D, # <u>4</u> Ex. E)(Related document(s) <u>243</u>) (Berman, Marcia) (Filed on 6/6/2014) Modified on 6/9/2014 (jlmS, COURT STAFF). (Entered: 06/06/2014)
06/06/2014	<u>245</u>	Declaration of James Gilligan in Support of <u>243</u> <i>Memorandum in Opposition</i> filed by United States of America. (Related document(s) <u>243</u>) (Berman, Marcia) (Filed on 6/6/2014) Modified on 6/9/2014 (jlmS, COURT STAFF). (Entered: 06/06/2014)
06/06/2014	<u>246</u>	Minute Entry: Temporary Restraining Order Hearing – Non–evidentiary held on 6/6/2014 before Judge Jeffrey S. White (Date Filed: 6/6/2014). (Court Reporter: Kathy Wyatt.) (jjoS, COURT STAFF) (Date Filed: 6/6/2014) Modified on 6/11/2014 (jlmS, COURT STAFF). (Entered: 06/09/2014)
06/09/2014	<u>247</u>	TRANSCRIPT ORDER for Motion Hearing Held on 06/06/2014, filed by Tash Hepting, Gregory Hicks, Young Boon Hicks, Carolyn Jewel, Erik Knutzen, Joice Walton for Court Reporter: Katherine Wyatt. (Cohn, Cindy) (Filed on 6/9/2014) Modified on 6/10/2014 (jlmS, COURT STAFF). (Entered: 06/09/2014)
06/13/2014	<u>248</u>	Letter to Judge Jeffrey S. White re Telephonic Hearing Held on 06/06/14, from Marica Berman, dated 06/12/14. (kc, COURT STAFF) (Filed on 6/13/2014) (jlmS, COURT STAFF). Modified on 8/5/2014 (jlmS, COURT STAFF). (Entered: 06/16/2014)
06/13/2014	<u>249</u>	ORDER RE REQUEST by Judge Jeffrey S. White, signed on 06/13/14. (kc, COURT STAFF) (Filed on 6/13/2014) (jlmS, COURT STAFF). Modified on 8/5/2014 (jlmS, COURT STAFF). Modified on 8/5/2014 (jlmS, COURT STAFF). (Entered: 06/16/2014)

06/20/2014	<u>250</u>	RESPONSE to <u>122</u> Order, filed by Tash Hepting, Gregory Hicks, Young Boon Hicks, Carolyn Jewel, Erik Knutzen, Joice Walton. (Cohn, Cindy) (Filed on 6/20/2014) Modified on 8/5/2014 (jlmS, COURT STAFF). Modified on 8/5/2014 (jlmS, COURT STAFF). (Entered: 06/20/2014)
06/23/2014	<u>251</u>	ORDER by Judge Jeffrey S. White, signed on 06/23/14. (jlmS, COURT STAFF) (Filed on 6/23/2014) Modified on 8/5/2014 (jlmS, COURT STAFF). Modified on 8/5/2014 (jlmS, COURT STAFF). (Additional attachment(s) added on 8/5/2014: # 2 Main Document II) (jlmS, COURT STAFF). (Additional attachment(s) added on 8/7/2014: # 3 Main Document) (jlm, COURT STAFF). Modified on 8/7/2014 (jlmS, COURT STAFF). ***DOCUMENT UNSEALED BY ORDER OF THE COURT, PLEASE SEE DOCUMENT NO. 275 *** (Entered: 06/23/2014)
06/23/2014	<u>252</u>	RESPONSE to <u>131</u> Order, filed by Virginia Shubert (jlmS, COURT STAFF) (Filed on 6/23/2014) (Additional attachment(s) added on 8/5/2014: # 1 Main Document) (jlmS, COURT STAFF). Modified on 8/5/2014 (jlmS, COURT STAFF). (Additional attachment(s) added on 8/5/2014: # 2 Main Document II) (jlmS, COURT STAFF). (Additional attachment(s) added on 8/7/2014: # 4 Main Document) (jlm, COURT STAFF). Modified on 8/7/2014 (jlmS, COURT STAFF). ***DOCUMENT UNSEALED BY ORDER OF THE COURT, PLEASE SEE DOCUMENT NO. 275 *** (Entered: 06/23/2014)
06/27/2014	<u>253</u>	Reply Memorandum re Compliance With Preservation Orders, filed by Keith B. Alexander, Dennis C Blair, Department of Justice, Eric Holder, National Security Agency, Barack Obama, United States of America. (Attachments: # 1 Declaration of James J. Gilligan, # 2 Exhibit A, # 3 Exhibit B, # 4 Exhibit C, # 5 Exhibit D, # 6 Exhibit E, # 7 Exhibit F)(Gilligan, James) (Filed on 6/27/2014) Modified on 6/30/2014 (jlmS, COURT STAFF). (Entered: 06/27/2014)
06/30/2014	<u>254</u>	ERRATA to <u>253</u> Reply Memorandum, filed by Keith B. Alexander, Dennis C Blair, Department of Justice, Eric Holder, National Security Agency, Barack Obama, United States of America. (Attachments: # 1 Exhibit (Corrected Government Defendants' Reply Brief Regarding Compliance With Preservation Orders))(Gilligan, James) (Filed on 6/30/2014) Modified on 7/1/2014 (jlmS, COURT STAFF). (Entered: 06/30/2014)
06/30/2014	<u>255</u>	Administrative Motion to File Under Seal <i>Response to June 23, 2014 Order</i> filed by Keith B. Alexander, Dennis C Blair, Department of Justice, Eric Holder, National Security Agency, Barack Obama, United States of America. (Attachments: # 1 Declaration of Marcia Berman, # 2 Proposed Order, # 3 Document sought to be filed under seal)(Berman, Marcia) (Filed on 6/30/2014) (Entered: 06/30/2014)
07/02/2014	<u>256</u>	ORDER by Judge JEFFREY S. WHITE granting <u>255</u> Administrative Motion to File Under Seal (jjoS, COURT STAFF) (Filed on 7/2/2014) (Entered: 07/02/2014)
07/11/2014	<u>257</u>	ORDER by Judge Jeffrey S. White, signed on 07/11/14. (jlmS, COURT STAFF) (Filed on 7/11/2014) (Additional attachment(s) added on 8/5/2014: # 2 Main Document) (jlmS, COURT STAFF). Modified on 8/5/2014 (jlmS, COURT STAFF). (Additional attachment(s) added on 8/7/2014: # 4 Main Document) (jlm, COURT STAFF). Modified on 8/7/2014 (jlmS, COURT STAFF). ***DOCUMENT UNSEALED BY ORDER OF THE COURT, PLEASE SEE DOCUMENT NO. 275 *** (Entered: 07/11/2014)
07/16/2014	<u>258</u>	NOTICE of Withdrawal of Paula L. Blizzard as Counsel for Plaintiffs, filed by Tash Hepting, Gregory Hicks, Young Boon Hicks, Carolyn Jewel, Erik Knutzen, Joice Walton. (Blizzard, Paula) (Filed on 7/16/2014) Modified on 7/17/2014 (jlmS, COURT STAFF). (Entered: 07/16/2014)
07/16/2014	<u>259</u>	NOTICE of Appearance of Philip James Tassin as Counsel, filed by Tash Hepting, Gregory Hicks, Young Boon Hicks, Carolyn Jewel, Erik Knutzen, Joice Walton (Tassin, Philip) (Filed on 7/16/2014) Modified on 7/17/2014 (jlmS, COURT STAFF). (Entered: 07/16/2014)
07/18/2014	<u>260</u>	Final Brief Re Enforcement of Evidence Preservation Orders (Pursuant to the Court's June 6, 2014 Order) filed by Tash Hepting, Gregory Hicks, Young Boon Hicks, Carolyn Jewel, Erik Knutzen, Joice Walton. (Cohn, Cindy) (Filed on 7/18/2014) Modified on 7/21/2014 (kcS, COURT STAFF). (Entered: 07/18/2014)

07/25/2014	<u>261</u>	MOTION for Partial Summary Judgment filed by Carolyn Jewel, Erik Knutzen, Joice Walton. Motion Hearing set for 10/31/2014 09:00 AM in Courtroom 5, 2nd Floor, Oakland before Hon. Jeffrey S. White. Responses due by 8/8/2014. Replies due by 8/15/2014. (Attachments: # <u>1</u> Proposed Order)(Wiebe, Richard) (Filed on 7/25/2014) (Entered: 07/25/2014)
07/25/2014	<u>262</u>	Declaration of Richard R. Wiebe in Support of <u>261</u> MOTION for Partial Summary Judgment filed by Carolyn Jewel, Erik Knutzen, Joice Walton. (Related document(s) <u>261</u>) (Wiebe, Richard) (Filed on 7/25/2014) (Entered: 07/25/2014)
07/25/2014	<u>263</u>	Declaration of Carolyn Jewel in Support of <u>261</u> MOTION for Partial Summary Judgment filed by Carolyn Jewel, Erik Knutzen, Joice Walton. (Related document(s) <u>261</u>) (Wiebe, Richard) (Filed on 7/25/2014) (Entered: 07/25/2014)
07/25/2014	<u>264</u>	Declaration of Erik Knutzen in Support of <u>261</u> MOTION for Partial Summary Judgment filed by Carolyn Jewel, Erik Knutzen, Joice Walton. (Related document(s) <u>261</u>) (Wiebe, Richard) (Filed on 7/25/2014) (Entered: 07/25/2014)
07/25/2014	<u>265</u>	Declaration of Joice Walton in Support of <u>261</u> MOTION for Partial Summary Judgment filed by Carolyn Jewel, Erik Knutzen, Joice Walton. (Related document(s) <u>261</u>) (Wiebe, Richard) (Filed on 7/25/2014) (Entered: 07/25/2014)
07/28/2014	<u>266</u>	Administrative Motion to File Under Seal re <i>Response to the Court's Order of July 11, 2014</i> , filed by Keith B. Alexander, Dennis C Blair, Department of Justice, Eric Holder, National Security Agency, Barack Obama, United States of America. (Attachments: # <u>1</u> Declaration, # <u>2</u> Proposed Order, # <u>3</u> Response to Court Order)(Berman, Marcia) (Filed on 7/28/2014) Modified on 7/29/2014 (jlmS, COURT STAFF). (Entered: 07/28/2014)
07/29/2014	<u>267</u>	STIPULATION WITH PROPOSED ORDER to Extend Briefing Schedule re <u>261</u> <i>Motion for Partial Summary Judgment</i> , filed by David S. Addington, Keith B. Alexander, John D. Ashcroft, Dennis C Blair, George W. Bush, Richard B. Cheney, Department of Justice, Alberto R. Gonzales, Michael V. Hayden, Tash Hepting, Young Boon Hicks, Eric Holder, Carolyn Jewel, Erik Knutzen, John M. McConnell, Michael B. Mukasey, National Security Agency, John D. Negroponte, Barack Obama, United States of America, Joice Walton. (Cohn, Cindy) (Filed on 7/29/2014) Modified on 7/30/2014 (jlmS, COURT STAFF). (Entered: 07/29/2014)
07/31/2014	<u>268</u>	MOTION for Leave to File <i>Brief Amici Curiae in Support of Plaintiff's Motion for Partial Summary Judgment</i> filed by Reporters Committee for Freedom of the Press, American Society of News Editors, The Committee to Protect Journalists, Courthouse News Service, First Amendment Coalition, First Look Media, Inc., Gannett Co., Investigative Reporters & Editors (IRE), The Investigative Reporting Workshop, The McClatchy Company, The Media Consortium, Media News Group, The National Press Club, National Public Radio, Inc., National Press Photographers Association, Online News Association, The Seattle Times Company, The Tully Center for Free Speech, WP Company LLC dba The Washington Post. (Attachments: # <u>1</u> Proposed Amici Brief, # <u>2</u> Proposed Order)(Koltun, Joshua) (Filed on 7/31/2014) Modified on 8/1/2014 (kcS, COURT STAFF). (Entered: 07/31/2014)
08/01/2014	<u>269</u>	NOTICE of Appearance of Catherine Rachel Gellis as Counsel, filed by National Association of Criminal Defense Lawyers (Gellis, Catherine) (Filed on 8/1/2014) Modified on 8/4/2014 (jlmS, COURT STAFF). (Entered: 08/01/2014)
08/01/2014	<u>270</u>	NOTICE of Appearance of Michael Henry Page as Counsel, filed by National Association of Criminal Defense Lawyers (Page, Michael) (Filed on 8/1/2014) Modified on 8/4/2014 (jlmS, COURT STAFF). (Entered: 08/01/2014)
08/01/2014	<u>271</u>	MOTION for Leave to File Amicus Curiae Brief, filed by National Association of Criminal Defense Lawyers. Responses due by 8/15/2014. Replies due by 8/22/2014. (Attachments: # <u>1</u> Declaration of Michael H. Page, # <u>2</u> Exhibit A to Declaration of Michael H. Page, # <u>3</u> Amicus Curiae Brief, # <u>4</u> Proposed Order)(Gellis, Catherine) (Filed on 8/1/2014) Modified on 8/4/2014 (jlmS, COURT STAFF). (Entered: 08/01/2014)
08/04/2014	<u>272</u>	ORDER GRANTING <u>267</u> Stipulation to Extend Briefing Schedule on <u>261</u> Motion for Partial Summary Judgment. Opposition due by 9/19/2014. Reply due by 10/17/2014. Signed by Judge Jeffrey S. White on August 4, 2014. (jswlc3, COURT

		STAFF) (Filed on 8/4/2014) (Entered: 08/04/2014)
08/04/2014	<u>273</u>	ORDER by Judge Jeffrey S. White GRANTING <u>266</u> Administrative Motion to File Under Seal Response to Court's Order of July 11, 2014. (jswlc3, COURT STAFF) (Filed on 8/4/2014) (Entered: 08/04/2014)
08/04/2014	<u>274</u>	MOTION for Leave to File <i>CORRECTED Amici Curiae Brief</i> filed by American Society of News Editors, Courthouse News Service, First Amendment Coalition, First Look Media, Inc., Gannett Co., Investigative Reporters & Editors (IRE), Media News Group, National Press Photographers Association, National Public Radio, Inc., Online News Association, Reporters Committee for Freedom of the Press, The Committee to Protect Journalists, The Investigative Reporting Workshop, The McClatchy Company, The Media Consortium, The National Press Club, The Seattle Times Company, The Tully Center for Free Speech, WP Company LLC dba The Washington Post. (Attachments: # <u>1</u> Exhibit <i>CORRECTED Proposed Amici Curiae Brief</i>)(Koltun, Joshua) (Filed on 8/4/2014) (Entered: 08/04/2014)
08/05/2014	<u>275</u>	ORDER GRANTING ADMINISTRATIVE MOTION TO UNSEAL. Signed by Judge JEFFREY S. WHITE on 8/5/14. (jjoS, COURT STAFF) (Filed on 8/5/2014) (Entered: 08/05/2014)
08/05/2014	<u>276</u>	Transcript of Proceedings held on 6-6-14, before Judge Jeffrey White. Court Reporter/Transcriber Katherine Wyatt, Telephone number 925-212-5224. Per General Order No. 59 and Judicial Conference policy, this transcript may be viewed only at the Clerks Office public terminal or may be purchased through the Court Reporter/Transcriber until the deadline for the Release of Transcript Restriction. After that date it may be obtained through PACER. Any Notice of Intent to Request Redaction, if required, is due no later than 5 business days from date of this filing. (Re <u>247</u> Transcript Order,) Release of Transcript Restriction set for 11/3/2014. (Related documents(s) <u>247</u>) (kpw, COURT STAFF) (Filed on 8/5/2014) (Entered: 08/05/2014)
08/11/2014	<u>277</u>	Proposed Order re <u>275</u> Order [<i>Proposed</i>] <i>Corrected Order Granting Plaintiffs' Administrative Motion to Unseal</i> by Tash Hepting, Young Boon Hicks, Carolyn Jewel, Erik Knutzen, Joice Walton. (Cohn, Cindy) (Filed on 8/11/2014) (Entered: 08/11/2014)
08/11/2014	<u>278</u>	ORDER GRANTING <u>277</u> Corrected Order Granting <u>275</u> Plaintiffs' Administrative Motion to Unseal. Signed by Judge JEFFREY S. WHITE on 8/11/14. (jjoS, COURT STAFF) (Filed on 8/11/2014) (Entered: 08/11/2014)
09/16/2014	<u>279</u>	MOTION for Extension of Time to File Response/Reply as to <u>261</u> <i>Motion for Partial Summary Judgment</i> , filed by Keith B. Alexander, Dennis C Blair, Department of Justice, Eric Holder, National Security Agency, Barack Obama, United States of America. (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Exhibit 1)(Berman, Marcia) (Filed on 9/16/2014) Modified on 9/17/2014 (jlmS, COURT STAFF). (Entered: 09/16/2014)
09/16/2014		Set/Reset Deadlines as to <u>279</u> Motion for Extension of Time to File Response/Reply as to <u>261</u> Motion for Partial Summary Judgment. Responses due by 9/22/2014. (jlmS, COURT STAFF) (Filed on 9/16/2014) (Entered: 09/17/2014)
09/18/2014	<u>280</u>	Memorandum in Opposition re <u>279</u> <i>Motion for Extension of Time to File Response/Reply as to Motion for Partial Summary Judgment</i> , filed by Tash Hepting, Young Boon Hicks, Carolyn Jewel, Erik Knutzen, Joice Walton. (Attachments: # <u>1</u> Proposed Order)(Cohn, Cindy) (Filed on 9/18/2014) Modified on 9/19/2014 (jlmS, COURT STAFF). (Entered: 09/18/2014)
09/19/2014	<u>281</u>	ORDER by Judge JEFFREY S. WHITE granting in part <u>279</u> Motion for Extension of Time to File Response/Reply (jjoS, COURT STAFF) (Filed on 9/19/2014) (Entered: 09/19/2014)
09/23/2014	<u>282</u>	MOTION for Extension of Time to File Response/Reply as to <u>261</u> MOTION for Partial Summary Judgment <i>until 11 a.m. on Monday, September 29, to Allow for Religious Observance</i> filed by Keith B. Alexander, Dennis C Blair, Department of Justice, Eric Holder, National Security Agency, Barack Obama, United States of America. (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Exhibit 1)(Berman, Julia) (Filed on 9/23/2014) (Entered: 09/23/2014)

09/24/2014	<u>283</u>	ORDER by Judge JEFFREY S. WHITE granting <u>282</u> Motion for Extension of Time to File Response until 11 a.m. on Monday, September 29, Responses due by 11:00 a.m. 9/29/2014. (jjoS, COURT STAFF) (Filed on 9/24/2014) (Entered: 09/24/2014)
09/29/2014	<u>284</u>	MOTION for Leave to File Excess Pages filed by Keith B. Alexander, Dennis C Blair, Department of Justice, Eric Holder, National Security Agency, Barack Obama, United States of America. (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Exhibit 1)(Berman, Julia) (Filed on 9/29/2014) (Entered: 09/29/2014)
09/29/2014	<u>285</u>	Memorandum in Opposition re <u>261</u> <i>Motion for Partial Summary Judgment</i> , filed by Keith B. Alexander, Department of Justice, Eric Holder, National Security Agency, Barack Obama, United States of America. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Proposed Order)(Gilligan, James) (Filed on 9/29/2014) Modified on 9/30/2014 (jlmS, COURT STAFF). (Entered: 09/29/2014)
09/29/2014	<u>286</u>	Cross MOTION for Partial Summary Judgment, filed by Keith B. Alexander, Dennis C Blair, Department of Justice, Eric Holder, National Security Agency, Barack Obama, United States of America. Motion Hearing set for 12/5/2014 09:00 AM in Courtroom 5, 2nd Floor, Oakland before Hon. Jeffrey S. White. Responses due by 10/14/2014. Replies due by 10/21/2014. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit (Government Defendants Opposition To Plaintiffs Motion For Partial Summary Judgment And Cross-Motion For Partial Summary Judgment On Plaintiffs Fourth Amendment Claim), # <u>7</u> Proposed Order)(Gilligan, James) (Filed on 9/29/2014) Modified on 9/30/2014 (jlmS, COURT STAFF). (Entered: 09/29/2014)
09/29/2014	<u>287</u>	NOTICE of Lodging of the Classified Declaration of Miriam P. of the National Security Agency and a Classified Supplement to the Government Defendants Opposition and Cross-Motion for Partial Summary Judgment for In Camera, Ex Parte Review, filed by Keith B. Alexander, Dennis C Blair, Department of Justice, Eric Holder, National Security Agency, Barack Obama, United States of America (Berman, Julia) (Filed on 9/29/2014) Modified on 9/30/2014 (jlmS, COURT STAFF). (Entered: 09/29/2014)
09/29/2014	<u>288</u>	[REDACTED] Declaration of Miriam P. in Support of <u>286</u> <i>Cross Motion for Partial Summary Judgment</i> , filed by Keith B. Alexander, Dennis C Blair, Department of Justice, Eric Holder, National Security Agency, Barack Obama, United States of America. (Related document(s) <u>286</u> , <u>285</u>) (Berman, Marcia) (Filed on 9/29/2014) Modified on 9/30/2014 (jlmS, COURT STAFF). (Entered: 09/29/2014)
09/29/2014	<u>289</u>	Memorandum in Opposition re <u>284</u> <i>Motion for Leave to File Excess Pages</i> , filed by Tash Hepting, Young Boon Hicks, Carolyn Jewel, Erik Knutzen, Joice Walton. (Attachments: # <u>1</u> Proposed Order)(Cohn, Cindy) (Filed on 9/29/2014) Modified on 9/30/2014 (jlmS, COURT STAFF). (Entered: 09/29/2014)
09/30/2014	<u>290</u>	ORDER GRANTING <u>284</u> MOTION for Leave to File Excess Pages; DENYING Request to Strike Cross Motion for Summary Judgment; Setting Briefing Schedule and Continuing Hearing. Motion Hearing set for 12/12/2014 09:00 AM in Courtroom 5, 2nd Floor, Oakland before Hon. Jeffrey S. White. Signed by Judge JEFFREY S. WHITE on 9/30/14. (jjoS, COURT STAFF) (Filed on 9/30/2014) (Entered: 09/30/2014)
10/03/2014	<u>291</u>	MOTION for Extension of Time to File Response/Reply as to <u>286</u> <i>Cross Motion for Partial Summary Judgment</i> , filed by Tash Hepting, Young Boon Hicks, Carolyn Jewel, Erik Knutzen, Joice Walton. (Attachments: # <u>1</u> Proposed Order)(Cohn, Cindy) (Filed on 10/3/2014) Modified on 10/6/2014 (jlmS, COURT STAFF). (Entered: 10/03/2014)
10/07/2014	<u>292</u>	RESPONSE (re <u>291</u> MOTION for Extension of Time to File Response/Reply as to <u>286</u> Cross MOTION for Partial Summary Judgment) filed by Keith B. Alexander, Dennis C Blair, Department of Justice, Eric Holder, National Security Agency, Barack Obama, United States of America. (Attachments: # <u>1</u> Proposed Order)(Berman, Marcia) (Filed on 10/7/2014) (Entered: 10/07/2014)

10/08/2014	<u>293</u>	ORDER GRANTING AS MODIFIED <u>291</u> PLAINTIFFS' ADMINISTRATIVE MOTION TO EXTEND TIME TO FILE REPLY ON MOTION FOR PARTIAL SUMMARY JUDGMENT AND OPPOSITION TO CROSS MOTION. Signed by Judge JEFFREY S. WHITE on 10/7/14. (jjoS, COURT STAFF) (Filed on 10/8/2014) (Entered: 10/08/2014)
10/24/2014	<u>294</u>	Administrative Motion to File Under Seal <i>Plaintiffs' Combined Reply ISO Motion for Partial Summary Judgment and Opposition to Defendants' Cross-Motion for Partial Summary Judgment</i> filed by Carolyn Jewel, Erik Knutzen, Joice Walton. (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Redacted MPSJ Opp/Reply, # <u>3</u> Sealed MPSJ Opp/Reply)(Wiebe, Richard) (Filed on 10/24/2014) (Entered: 10/24/2014)
10/24/2014	<u>295</u>	Declaration in Support of <u>261</u> MOTION for Partial Summary Judgment filed by Carolyn Jewel, Erik Knutzen, Joice Walton. (Related document(s) <u>261</u>) (Wiebe, Richard) (Filed on 10/24/2014) (Entered: 10/24/2014)
10/24/2014	<u>296</u>	Proposed Order re <u>286</u> Cross MOTION for Partial Summary Judgment <i>Denying Defendants' Cross-Motion for Partial Summary Judgment</i> by Carolyn Jewel, Erik Knutzen, Joice Walton. (Wiebe, Richard) (Filed on 10/24/2014) (Entered: 10/24/2014)
10/24/2014	<u>297</u>	MOTION to Strike <u>287</u> <i>Notice of Lodging of the Classified Declaration of Miriam P. of the National Security Agency and a Classified Supplement to the Government Defendants Opposition and Cross-Motion for Partial Summary Judgment for In Camera, Ex Parte Review</i> , filed by Tash Hepting, Young Boon Hicks, Carolyn Jewel, Erik Knutzen, Joice Walton. Responses due by 11/7/2014. Replies due by 11/14/2014. (Attachments: # <u>1</u> Proposed Order)(Moore, Thomas) (Filed on 10/24/2014) Modified on 10/27/2014 (jlmS, COURT STAFF). (Entered: 10/24/2014)
10/28/2014	<u>298</u>	Memorandum in Opposition re <u>297</u> <i>Motion to Strike</i> , filed by Keith B. Alexander, Dennis C Blair, Department of Justice, Eric Holder, National Security Agency, Barack Obama, United States of America. (Attachments: # <u>1</u> Proposed Order)(Berman, Julia) (Filed on 10/28/2014) Modified on 10/29/2014 (jlmS, COURT STAFF). (Entered: 10/28/2014)
11/07/2014	<u>299</u>	Administrative Motion to File Under Seal <i>and for Enlargement of Page Limitation</i> filed by Keith B. Alexander, Dennis C Blair, Department of Justice, Eric Holder, National Security Agency, Barack Obama, United States of America. (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Redacted Reply in Support of Government Defendants' Cross-Motion for Partial Summary Judgment, # <u>3</u> Sealed Reply in Support of Government Defendants' Cross-Motion for Partial Summary Judgment)(Gilligan, James) (Filed on 11/7/2014) (Entered: 11/07/2014)
11/07/2014	<u>300</u>	Declaration of Miriam P. in Support of <u>299</u> <i>Cross-Motion for Partial Summary Judgment</i> , filed by Keith B. Alexander, Dennis C Blair, Department of Justice, Eric Holder, National Security Agency, Barack Obama, United States of America. (Gilligan, James) (Filed on 11/7/2014) Modified on 11/10/2014 (jlmS, COURT STAFF). (Entered: 11/07/2014)
11/07/2014	<u>301</u>	NOTICE of Lodging of <u>300</u> <i>Classified Declaration of Miriam P., NSA in Support of the Government Defendants' Cross-Motion for Partial Summary Judgment</i> , filed by Keith B. Alexander, Dennis C Blair, Department of Justice, Eric Holder, National Security Agency, Barack Obama, United States of America (Gilligan, James) (Filed on 11/7/2014) Modified on 11/10/2014 (jlmS, COURT STAFF). (Entered: 11/07/2014)
11/12/2014	<u>302</u>	Consent MOTION for Extension of Time to File the Declaration of James R. Clapper, Director of National Intelligence, in Support of Gov't Defs.' Reply Brief, filed by Keith B. Alexander, Dennis C Blair, Department of Justice, Eric Holder, National Security Agency, Barack Obama, United States of America. (Attachments: # <u>1</u> Declaration of James R. Clapper, Director of National Intelligence)(Berman, Marcia) (Filed on 11/12/2014) Modified on 11/13/2014 (jlmS, COURT STAFF). (Entered: 11/12/2014)
11/13/2014	<u>303</u>	ORDER by Judge JEFFREY S. WHITE granting <u>299</u> Administrative Motion to File Under Seal and for Enlargement of Page Limitation (jjoS, COURT STAFF) (Filed on 11/13/2014) (Entered: 11/13/2014)
11/14/2014	<u>304</u>	Proposed Order re <u>302</u> Consent MOTION for Extension of Time to File the Declaration of James R. Clapper, Director of National Intelligence, in Support of Gov't Defs.' Reply Brief by Keith B. Alexander, Dennis C Blair, Department of Justice, Eric

		Holder, National Security Agency, Barack Obama, United States of America. (Berman, Marcia) (Filed on 11/14/2014) (Entered: 11/14/2014)
11/14/2014	<u>305</u>	ORDER by Judge JEFFREY S. WHITE granting <u>302</u> Motion for Extension of Time to File (jjoS, COURT STAFF) (Filed on 11/14/2014) (Entered: 11/14/2014)
12/10/2014	<u>306</u>	ORDER by Judge JEFFREY S. WHITE granting <u>294</u> Administrative Motion to File Under Seal Plaintiffs' Combined Reply ISO Motion for Partial Summary Judgment and Opposition to Defendants' Cross-Motion for Partial Summary Judgment (jjoS, COURT STAFF) (Filed on 12/10/2014) (Entered: 12/10/2014)
12/10/2014	<u>307</u>	ORDER by Judge JEFFREY S. WHITE granting <u>274</u> Motion for Leave to File Brief Amici Curiae in Support of Plaintiff's Motion for Partial Summary Judgment (jjoS, COURT STAFF) (Filed on 12/10/2014) (Entered: 12/10/2014)
12/10/2014	<u>308</u>	ORDER by Judge JEFFREY S. WHITE granting <u>271</u> Motion to File Amicus Curiae Brief (jjoS, COURT STAFF) (Filed on 12/10/2014) (Entered: 12/10/2014)
12/16/2014	<u>309</u>	Notice of Questions for Hearing. Signed by Judge Jeffrey S. White on December 16, 2014. (jswlc2, COURT STAFF) (Filed on 12/16/2014) (Entered: 12/16/2014)
12/17/2014	<u>310</u>	NOTICE of Additional Authorities, filed by Tash Hepting, Young Boon Hicks, Carolyn Jewel, Erik Knutzen, Joice Walton (Wiebe, Richard) (Filed on 12/17/2014) Modified on 12/18/2014 (jlmS, COURT STAFF). (Entered: 12/17/2014)
12/17/2014	<u>311</u>	NOTICE of Appearance of Appearance of Rodney Patton, filed by Keith B. Alexander, George W. Bush, Department of Justice, John M. McConnell, Michael B. Mukasey, National Security Agency, Barack Obama, United States of America (Patton, Rodney) (Filed on 12/17/2014) Modified on 12/18/2014 (jlmS, COURT STAFF). (Entered: 12/17/2014)
12/17/2014	<u>312</u>	NOTICE of Additional Authorities for Dec. 19, 2014 Hearing, filed by Keith B. Alexander, Dennis C Blair, Department of Justice, Eric Holder, National Security Agency, Barack Obama, United States of America (Attachments: # <u>1</u> Ex. A 50 USC 3605, # <u>2</u> Ex. B NSA Minimization Procedures, # <u>3</u> Ex. C U.S. v. Heckenkamp, # <u>4</u> Ex. D Amer. Fed. State Cty. Muni. Empl. v. Scott, # <u>5</u> Ex. E Ollier v. Sweetwater Union H.S. Dist., # <u>6</u> Ex. F U.S. v. Bonds, # <u>7</u> Ex. G U.S. v. Bridgeforth, # <u>8</u> Ex. H In re Nat'l Sec. Agency Tel. Recs. Lit.)(Berman, Marcia) (Filed on 12/17/2014) Modified on 12/18/2014 (jlmS, COURT STAFF). (Entered: 12/17/2014)
12/19/2014	<u>313</u>	Minute Entry for proceedings held before Hon. Jeffrey S. White: Motion Hearing held on 12/19/2014. (jjoS, COURT STAFF) (Date Filed: 12/19/2014) (Entered: 12/19/2014)
12/19/2014	<u>314</u>	RESPONSE to re <u>309</u> Order <i>Plaintiffs' Citations to the Record in Response to Question No. 1</i> by Carolyn Jewel, Erik Knutzen, Joice Walton. (Cohn, Cindy) (Filed on 12/19/2014) (Entered: 12/19/2014)
12/19/2014	<u>315</u>	TRANSCRIPT ORDER for Motion for Partial Summary Judgment, before Judge Jeffrey S. White by Carolyn Jewel, Erik Knutzen, Joice Walton for Court Reporter Diane Skillman. (Cohn, Cindy) (Filed on 12/19/2014) Modified on 12/22/2014 (jlmS, COURT STAFF). (Entered: 12/19/2014)
12/22/2014	<u>316</u>	TRANSCRIPT ORDER for Hearing on Cross-Motions for Partial Summary Judgment Held on 12/19/14, before Judge Jeffrey S. White, filed by United States of America for Court Reporter: Diane Skillman. (Gilligan, James) (Filed on 12/22/2014) Modified on 12/23/2014 (jlmS, COURT STAFF). (Entered: 12/22/2014)
12/23/2014	<u>317</u>	NOTICE of Lodging of Classified Declaration for Ex Parte, In Camera Review, filed by Keith B. Alexander, George W. Bush, Department of Justice, Eric Holder, John M. McConnell, Michael B. Mukasey, National Security Agency, Barack Obama, United States of America (Patton, Rodney) (Filed on 12/23/2014) Modified on 12/24/2014 (jlmS, COURT STAFF). (Entered: 12/23/2014)
01/05/2015	<u>318</u>	Transcript of Proceedings held on December 19, 2014, before Judge Jeffrey S. White. Court Reporter Diane E. Skillman, Telephone number 510-451-2930, Diane_Skillman@cand.uscourts.gov, diane.transcripts@aol.com. Per General Order No. 59 and Judicial Conference policy, this transcript may be viewed only at the

		Clerks Office public terminal or may be purchased through the Court Reporter until the deadline for the Release of Transcript Restriction. After that date it may be obtained through PACER. Any Notice of Intent to Request Redaction, if required, is due no later than 5 business days from date of this filing. (Re <u>316</u> Transcript Order, <u>315</u> Transcript Order) Release of Transcript Restriction set for 4/6/2015. (Related documents(s) <u>316</u> , <u>315</u>) (Skillman, Diane) (Filed on 1/5/2015) (Entered: 01/05/2015)
01/23/2015	<u>319</u>	Revised Proposed Order re <u>286</u> <i>Cross Motion for Partial Summary Judgment</i> , <u>261</u> <i>Motion for Partial Summary Judgment</i> , by Carolyn Jewel, Erik Knutzen, Joice Walton. (Wiebe, Richard) (Filed on 1/23/2015) Modified on 1/26/2015 (jlmS, COURT STAFF). (Entered: 01/23/2015)
01/28/2015	<u>320</u>	MOTION to Strike <u>319</u> <i>Revised Proposed Order</i> , filed by Keith B. Alexander, Dennis C Blair, Department of Justice, Eric Holder, National Security Agency, Barack Obama, United States of America. Responses due by 2/11/2015. Replies due by 2/18/2015. (Attachments: # <u>1</u> Proposed Order)(Gilligan, James) (Filed on 1/28/2015) Modified on 1/29/2015 (jlmS, COURT STAFF). (Entered: 01/28/2015)
02/10/2015	<u>321</u>	ORDER DENYING PLAINTIFFS MOTION FOR PARTIAL SUMMARY JUDGMENT AND GRANTING DEFENDANTS MOTION FOR PARTIAL SUMMARY JUDGMENT Signed by Judge JEFFREY S. WHITE on 2/10/15. (jjoS, COURT STAFF) (Filed on 2/10/2015) Modified on 2/10/2015 (jjoS, COURT STAFF). (Entered: 02/10/2015)
02/13/2015	<u>322</u>	NOTICE of Appearance of David A Greene as Counsel, filed by Tash Hepting, Young Boon Hicks, Carolyn Jewel, Erik Knutzen, Joice Walton (Greene, David) (Filed on 2/13/2015) Modified on 2/17/2015 (jlmS, COURT STAFF). (Entered: 02/13/2015)
04/17/2015	<u>323</u>	MOTION for Entry of Judgment under Rule 54(b) filed by Carolyn Jewel, Erik Knutzen, Joice Walton. Motion Hearing set for 5/22/2015 09:00 AM in Courtroom 5, 2nd Floor, Oakland before Hon. Jeffrey S. White. Responses due by 5/1/2015. Replies due by 5/8/2015. (Attachments: # <u>1</u> Proposed Order)(Crocker, Andrew) (Filed on 4/17/2015) (Entered: 04/17/2015)
05/01/2015	<u>324</u>	Memorandum in Opposition re <u>323</u> <i>Motion for Entry of Judgment under Rule 54(b)</i> , filed by Keith B. Alexander, Department of Justice, Eric Holder, National Security Agency, Barack Obama, United States of America. (Attachments: # <u>1</u> Proposed Order)(Patton, Rodney) (Filed on 5/1/2015) Modified on 5/1/2015 (jlmS, COURT STAFF). (Entered: 05/01/2015)
05/08/2015	<u>325</u>	REPLY (re <u>323</u> MOTION for Entry of Judgment under Rule 54(b)) filed by Carolyn Jewel, Erik Knutzen, Joice Walton. (Crocker, Andrew) (Filed on 5/8/2015) (Entered: 05/08/2015)
05/18/2015	<u>326</u>	STIPULATION WITH PROPOSED ORDER to Cancel the Scheduled Hearing on May 22, 2015 and Decide Plaintiffs' Rule 54(b) Motion on the Papers, filed by Keith B. Alexander, George W. Bush, Department of Justice, Eric Holder, John M. McConnell, Michael B. Mukasey, National Security Agency, Barack Obama, United States of America, Carolyn Jewel. (Patton, Rodney) (Filed on 5/18/2015) Modified on 5/19/2015 (jlmS, COURT STAFF). (Entered: 05/18/2015)
05/20/2015	<u>327</u>	ORDER by Judge JEFFREY S. WHITE granting <u>323</u> Motion for Entry of Judgment under Rule 54(b) (jjoS, COURT STAFF) (Filed on 5/20/2015) (Entered: 05/20/2015)
05/21/2015	<u>328</u>	JUDGMENT ON FOURTH AMENDMENT CLAIM. Signed by Judge Jeffrey S. White on 5/21/15. (jjoS, COURT STAFF) (Filed on 5/21/2015) (Entered: 05/21/2015)
06/04/2015	<u>329</u>	NOTICE OF APPEAL to the 9th Circuit Court of Appeals filed by Carolyn Jewel, Erik Knutzen, Joice Walton. Appeal of Order on Motion for Partial Summary Judgment, Order on Motion to Strike, <u>321</u> , Judgment <u>328</u> (Appeal fee of \$505 receipt number 0971-9575031 paid.) (Crocker, Andrew) (Filed on 6/4/2015) Modified on 6/5/2015 (jlmS, COURT STAFF). (Entered: 06/04/2015)
06/04/2015	<u>330</u>	USCA Case Number 15-16133 Ninth Circuit Court of Appeals for <u>329</u> Notice of Appeal, filed by Erik Knutzen, Carolyn Jewel, Joice Walton. (kk, COURT STAFF) (Filed on 6/4/2015) (Entered: 06/05/2015)

07/07/2015	<u>331</u>	Transcript Designation Form for proceedings held on 12/19/14, 9/27/13, 12/14/12 before Judge Jeffrey S. White, re <u>329</u> Notice of Appeal, Transcript due by 8/3/2015. (Crocker, Andrew) (Filed on 7/7/2015) (Entered: 07/07/2015)
07/21/2015	<u>332</u>	NOTICE of Appearance of Jamie L. Williams as Counsel, filed by Tash Hepting, Young Boon Hicks, Carolyn Jewel, Erik Knutzen, Joice Walton (Williams, Jamie) (Filed on 7/21/2015) Modified on 7/22/2015 (jlmS, COURT STAFF). (Entered: 07/21/2015)
12/18/2015	<u>333</u>	USCA Memorandum: That Certification is Reversed; Appeal is Dismissed; Case Remanded. Each party shall bear its own costs on appeal, as to <u>329</u> <i>Notice of Appeal</i> . USCA No. 15-16133. (jlmS, COURT STAFF) (Filed on 12/18/2015) (Entered: 12/18/2015)
01/01/2016	<u>334</u>	MOTION for Discovery , MOTION to Lift Stay filed by Tash Hepting, Young Boon Hicks, Carolyn Jewel, Erik Knutzen. Motion Hearing set for 2/5/2016 09:00 AM in Courtroom 5, 2nd Floor, Oakland before Hon. Jeffrey S. White. Responses due by 1/15/2016. Replies due by 1/22/2016. (Attachments: # <u>1</u> Proposed Order)(Tyre, James) (Filed on 1/1/2016) (Entered: 01/01/2016)
01/13/2016	<u>335</u>	STIPULATION WITH PROPOSED ORDER to Modify Briefing Schedule and Hearing Date on Plaintiffs Motion To Dissolve Discovery Stay Re: Counts 9, 12, & 15 re <u>334</u> <i>Motion for Discovery, Motion to Lift Stay</i> , filed by Keith B. Alexander, Dennis C Blair, Department of Justice, Eric Holder, National Security Agency, Barack Obama, United States of America, Carolyn Jewel. (Gilligan, James) (Filed on 1/13/2016) Modified on 1/14/2016 (jlm, COURT STAFF). (Entered: 01/13/2016)
01/14/2016	<u>336</u>	ORDER GRANTING AS MODIFIED <u>335</u> STIPULATION to Modify Briefing Schedule and Hearing Date on Plaintiffs Motion To Dissolve Discovery Stay Re: Counts 9, 12, & 15. Responses due by 1/22/2016. Replies due by 1/29/2016. Motion Hearing set for 2/26/2016 09:00 AM in Courtroom 5, 2nd Floor, Oakland before Hon. Jeffrey S. White. Signed by Judge Jeffrey S. White on 1/14/16. (jjoS, COURT STAFF) (Filed on 1/14/2016) (Entered: 01/14/2016)
01/22/2016	<u>337</u>	RESPONSE (re <u>334</u> MOTION to Dissolve Discovery Stay) filed by Keith B. Alexander, Dennis C Blair, Department of Justice, Eric Holder, National Security Agency, Barack Obama, United States of America. (Attachments: # <u>1</u> Proposed Order)(Gilligan, James) (Filed on 1/22/2016) Modified on 1/25/2016 (jlmS, COURT STAFF). (Entered: 01/22/2016)
01/29/2016	<u>338</u>	REPLY (re <u>334</u> MOTION for Discovery MOTION to Lift Stay) filed by Tash Hepting, Young Boon Hicks, Carolyn Jewel, Erik Knutzen. (Wiebe, Richard) (Filed on 1/29/2016) (Entered: 01/29/2016)
02/10/2016	<u>339</u>	MANDATE of USCA: Issued pursuant to FRAP Rule 41(a), as to <u>329</u> <i>Notice of Appeal</i> , USCA No. 15-16133. (jlmS, COURT STAFF) (Filed on 2/10/2016) (Entered: 02/12/2016)
02/19/2016	<u>340</u>	ORDER by Judge Jeffrey S. White GRANTING <u>334</u> Motion for Discovery and to Lift Stay. (jswlc2, COURT STAFF) (Filed on 2/19/2016) (Entered: 02/19/2016)
12/19/2016	<u>341</u>	Joint Discovery Letter Brief of Plaintiffs and the Government Defendants, filed by Tash Hepting, Gregory Hicks, Young Boon Hicks, Carolyn Jewel, Erik Knutzen, Joice Walton, National Security Agency, United States Department of Justice, United States of America. (Wiebe, Richard) (Filed on 12/19/2016) Modified on 12/27/2016 (jlmS, COURT STAFF). (Entered: 12/19/2016)
12/19/2016	<u>342</u>	Proposed Order re <u>341</u> <i>Joint Discovery Letter Brief</i> , by Tash Hepting, Gregory Hicks, Young Boon Hicks, Carolyn Jewel, Erik Knutzen, Joice Walton. (Wiebe, Richard) (Filed on 12/19/2016) Modified on 12/27/2016 (jlmS, COURT STAFF). Modified on 3/16/2017 (jlmS, COURT STAFF). (Entered: 12/19/2016)
02/06/2017	<u>343</u>	ANSWER to Complaint with Jury, filed by Keith B. Alexander, Dennis C Blair, Eric Holder, National Security Agency, Barack Obama, United States Department of Justice, United States of America. (Gilligan, James) (Filed on 2/6/2017) Modified on 2/7/2017 (jlmS, COURT STAFF). (Entered: 02/06/2017)

02/20/2017	<u>344</u>	NOTICE of Change of Address of Counsel for Plaintiffs, filed by Tash Hepting, Gregory Hicks, Young Boon Hicks, Carolyn Jewel, Erik Knutzen, Joice Walton (Wiebe, Richard) (Filed on 2/20/2017) Modified on 2/21/2017 (jlmS, COURT STAFF). (Entered: 02/20/2017)
02/24/2017	<u>345</u>	NOTICE of Change of Address by Thomas Edward Moore, III (Moore, Thomas) (Filed on 2/24/2017) (Entered: 02/24/2017)
03/15/2017	<u>346</u>	Joint MOTION for a Case Management Conference, filed by Tash Hepting, Gregory Hicks, Young Boon Hicks, Carolyn Jewel, Erik Knutzen, Joice Walton, National Security Agency, National Security Agency, United States Department of Justice, United States of America. (Wiebe, Richard) (Filed on 3/15/2017) Modified on 3/16/2017 (jlmS, COURT STAFF). Modified on 3/16/2017 (jlmS, COURT STAFF). (Entered: 03/15/2017)
03/21/2017	<u>347</u>	ORDER by Judge Jeffrey S. White addressing <u>341</u> Discovery Letter Brief and granting <u>346</u> Motion for Hearing. (jswlc2S, COURT STAFF) (Filed on 3/21/2017) (Entered: 03/21/2017)
03/21/2017		Set Deadlines/Hearings: Joint Case Management Statement due by 5/5/2017. Further Case Management Conference set for 5/19/2017 11:00 AM in Courtroom 5, 2nd Floor, Oakland. (jjoS, COURT STAFF) (Filed on 3/21/2017) (Entered: 03/21/2017)
04/05/2017	<u>348</u>	NOTICE by Carolyn Jewel of <i>Firm Name and Email Address Change</i> (Meny, Rachael) (Filed on 4/5/2017) (Entered: 04/05/2017)
04/17/2017	<u>349</u>	NOTICE of Lodging of Classified Submission by the Government Defendants by Dana J. Boente, Michael P. Dempsey, National Security Agency, Michael S. Rogers, Donald J. Trump, United States Department of Justice, United States of America (Gilligan, James) (Filed on 4/17/2017) Modified on 4/18/2017 (cpS, COURT STAFF). (Entered: 04/17/2017)
04/28/2017	<u>350</u>	NOTICE by Dana J. Boente, National Security Agency, Michael S. Rogers, Donald J. Trump, United States Department of Justice, United States of America of <i>Filing of Redacted Version of the Classified Submission the Government Defendants Lodged With the Court In Camera and Ex Parte on April 17, 2017</i> (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit)(Patton, Rodney) (Filed on 4/28/2017) Modified on 5/1/2017 (cpS, COURT STAFF). (Entered: 04/28/2017)
05/05/2017	<u>351</u>	STIPULATION WITH PROPOSED ORDER <i>to continue stay of claims against individual-capacity defendants and to excuse those defendants from the case management conference</i> filed by David S. Addington, Keith B. Alexander, John D. Ashcroft, George W. Bush, Richard B. Cheney, Alberto R. Gonzales, Michael V. Hayden, John M. McConnell, Michael B. Mukasey, John D. Negroponte, Carolyn Jewel, et al. (Whitman, James) (Filed on 5/5/2017) Modified on 5/8/2017 (cpS, COURT STAFF). (Entered: 05/05/2017)
05/05/2017	<u>352</u>	JOINT CASE MANAGEMENT STATEMENT <i>for May 19, 2017 Case Management Conference</i> filed by Tash Hepting, Young Boon Hicks, Carolyn Jewel, Erik Knutzen, Joice Walton, United States of America, United States Department of Justice. (Wiebe, Richard) (Filed on 5/5/2017) Modified on 5/8/2017 (cpS, COURT STAFF). (Entered: 05/05/2017)
05/08/2017	<u>353</u>	ORDER by Judge Jeffrey S. White granting <u>351</u> Stipulation to continue stay of claims against individual-capacity defendants and to excuse those defendants from the case management conference. (jjoS, COURT STAFF) (Filed on 5/8/2017) (Entered: 05/08/2017)
05/08/2017	<u>354</u>	Separate Addendum to re <u>352</u> Joint Case Management Statement, filed by United States of America, United States Department of Justice. (Attachments: # <u>1</u> Appendix A, Exhibit 1, # <u>2</u> Appendix A, Exhibit 2, # <u>3</u> Appendix A, Exhibit 3, # <u>4</u> Appendix A, Exhibit 4, # <u>5</u> Appendix A, Exhibit 5, # <u>6</u> Appendix A, Exhibit 6, # <u>7</u> Appendix A, Exhibit 7)(Related document(s) <u>352</u>) (Berman, Julia) (Filed on 5/8/2017) Modified on 5/9/2017 (cpS, COURT STAFF). (Entered: 05/08/2017)
05/12/2017	<u>355</u>	NOTICE of Appearance by Caroline Joy Anderson (Anderson, Caroline) (Filed on 5/12/2017) (Entered: 05/12/2017)

05/19/2017	<u>356</u>	Minute Entry for proceedings held before Hon. Jeffrey S. White: Further Case Management Conference held on 5/19/2017. Total Time in Court 1 hour 54 minutes. Court Reporter Name Diane Skillman. (jjoS, COURT STAFF) (Date Filed: 5/19/2017) Modified on 5/23/2017 (cjlS, COURT STAFF). (Entered: 05/22/2017)
05/22/2017	<u>357</u>	TRANSCRIPT ORDER for proceedings held on 05/19/2017 before Hon. Jeffrey S. White by Tash Hepting, Gregory Hicks, Young Boon Hicks, Carolyn Jewel, Erik Knutzen, Joice Walton, for Court Reporter Diane Skillman. (Tassin, Philip) (Filed on 5/22/2017) (Entered: 05/22/2017)
05/22/2017	<u>358</u>	NOTICE of Filing of Redacted Version of FISC'S Memorandum Opinion and Order, Dated April 26, 2017 by National Security Agency, Michael S. Rogers, Donald J. Trump, United States Department of Justice, United States of America. (Attachments: # <u>1</u> Exhibit)(Patton, Rodney) (Filed on 5/22/2017) Modified on 5/23/2017 (cjlS, COURT STAFF). (Entered: 05/22/2017)
05/22/2017	<u>359</u>	TRANSCRIPT ORDER for proceedings held on 05/19/17 before Hon. Jeffrey S. White by United States Department of Justice, United States of America, for Court Reporter Diane Skillman. (Berman, Julia) (Filed on 5/22/2017) (Entered: 05/22/2017)
06/01/2017	<u>360</u>	NOTICE OF WITHDRAWAL by Tash Hepting, Gregory Hicks, Young Boon Hicks, Carolyn Jewel, Erik Knutzen, Joice Walton. (Hadlock, Audrey) (Filed on 6/1/2017) Modified on 6/2/2017 (cjlS, COURT STAFF). (Entered: 06/01/2017)
06/02/2017	<u>361</u>	RESPONSE to <i>Court's Minute Order re: Law Clerk Access to Classified Information</i> by National Security Agency, Michael S. Rogers, Donald J. Trump, United States Department of Justice, United States of America. (Berman, Julia) (Filed on 6/2/2017) (Entered: 06/02/2017)
06/02/2017	<u>362</u>	Transcript of Proceedings held on May 19, 2017, before Judge Jeffrey S. White. Court Reporter Diane E. Skillman, telephone number 925-899-2812, Diane_Skillman@cand.uscourts.gov. Per General Order No. 59 and Judicial Conference policy, this transcript may be viewed only at the Clerk's Office public terminal or may be purchased through the Court Reporter until the deadline for the Release of Transcript Restriction. After that date it may be obtained through PACER. Any Notice of Intent to Request Redaction, if required, is due no later than 5 business days from date of this filing. (Re <u>357</u> Transcript Order,) Release of Transcript Restriction set for 8/31/2017. (Related documents(s) <u>357</u>) (Skillman, Diane) (Filed on 6/2/2017) (Entered: 06/02/2017)
06/09/2017	<u>363</u>	STIPULATION WITH [PROPOSED] ORDER to Reset Briefing Schedule Regarding Required Destruction of Upstream Communications Previously Acquired by Defendant NSA filed by National Security Agency, Michael S. Rogers, Donald J. Trump, United States Department of Justice, United States of America, Carolyn Jewel. (Berman, Julia) (Filed on 6/9/2017) Modified on 6/12/2017 (cjlS, COURT STAFF). (Entered: 06/09/2017)
06/12/2017	<u>364</u>	ORDER by Judge Jeffrey S. White granting <u>363</u> Stipulation to Reset Briefing Schedule Regarding Required Destruction of Upstream Communications Previously Acquired by Defendant NSA. (jjoS, COURT STAFF) (Filed on 6/12/2017) (Entered: 06/12/2017)
06/13/2017	<u>365</u>	Government Defendant's Opening Brief Regarding Preservation of Upstream Internet Communications Previously Acquired Under Section 702 of the Foreign Intelligence Surveillance Act by National Security Agency, Michael S. Rogers, Donald J. Trump, United States Department of Justice, United States of America. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit)(Patton, Rodney) (Filed on 6/13/2017) Modified on 6/14/2017 (cjlS, COURT STAFF). (Entered: 06/13/2017)
06/15/2017	<u>366</u>	Plaintiffs Statement On <u>361</u> The Government Defendants Response To Courts Minute Order Re: Law Clerk Access To Classified Information by Tash Hepting, Young Boon Hicks, Carolyn Jewel, Erik Knutzen, Joice Walton. (Wiebe, Richard) (Filed on 6/15/2017) Modified on 6/16/2017 (cjlS, COURT STAFF). (Entered: 06/15/2017)
06/20/2017	<u>367</u>	Plaintiffs' Evidence Preservation 2017 Update Brief filed by Tash Hepting, Young Boon Hicks, Carolyn Jewel, Erik Knutzen, Joice Walton. (Cohn, Cindy) (Filed on 6/20/2017) Modified on 6/21/2017 (cjlS, COURT STAFF). (Entered: 06/20/2017)

06/27/2017	<u>368</u>	Government Defendants' Reply Re: Preservation of Upstream Internet Communications Previously Acquired Under Section 702 of the Foreign Intelligence Surveillance Act filed by Dennis C Blair, Dana J. Boente, Michael P. Dempsey, National Security Agency, Michael S. Rogers, Donald J. Trump, United States Department of Justice, United States of America. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C)(Gilligan, James) (Filed on 6/27/2017) Modified on 6/28/2017 (cjlS, COURT STAFF). (Entered: 06/27/2017)
06/27/2017	<u>369</u>	NOTICE of Appearance by Timothy Andrew Johnson (Johnson, Timothy) (Filed on 6/27/2017) (Entered: 06/27/2017)
06/30/2017	<u>370</u>	STIPULATION WITH PROPOSED ORDER to Extend Time to File Plaintiffs' Evidence Preservation 2017 Update Brief Reply, filed by Tash Hepting, Young Boon Hicks, Carolyn Jewel, Erik Knutzen, Joice Walton, National Security Agency, Donald J. Trump, United States Department of Justice, United States of America (Cohn, Cindy) (Filed on 6/30/2017) Modified on 7/3/2017 (jlmS, COURT STAFF). (Entered: 06/30/2017)
06/30/2017	<u>371</u>	Statement re <u>366</u> Statement, <i>Government Defendants' Statement in Response to Plaintiffs' Statement re: Law Clerk Access to Classified Information</i> by National Security Agency, Michael S. Rogers, Donald J. Trump, United States Department of Justice, United States of America. (Johnson, Timothy) (Filed on 6/30/2017) (Entered: 06/30/2017)
06/30/2017	<u>372</u>	ORDER by Judge Jeffrey S. White GRANTING <u>370</u> Stipulation re Briefing Schedule. (jswlc2S, COURT STAFF) (Filed on 6/30/2017) (Entered: 06/30/2017)
07/05/2017	<u>373</u>	Plaintiffs' Evidence Preservation 2017 Update Reply Brief re <u>368</u> Brief by Tash Hepting, Young Boon Hicks, Carolyn Jewel, Erik Knutzen, Joice Walton. (Cohn, Cindy) (Filed on 7/5/2017) Modified on 7/6/2017 (cjlS, COURT STAFF). (Entered: 07/05/2017)
07/19/2017	<u>374</u>	ORDER RE PRESERVATION ISSUES. Signed by Judge Jeffrey S. White on July 19, 2017. (jswlc2S, COURT STAFF) (Filed on 7/19/2017) (Entered: 07/19/2017)
08/03/2017	<u>375</u>	Proposed Stipulated Protective Order filed by Tash Hepting, Young Boon Hicks, Carolyn Jewel, Erik Knutzen, Joice Walton. (Wiebe, Richard) (Filed on 8/3/2017) Modified on 8/3/2017 (cjlS, COURT STAFF). (Entered: 08/03/2017)
08/04/2017	<u>376</u>	ORDER by Judge Jeffrey S. White granting <u>375</u> Stipulated Protective Order. (jjoS, COURT STAFF) (Filed on 8/4/2017) (Entered: 08/04/2017)
08/09/2017	<u>377</u>	Stipulation and [Proposed] Order to Extend Time to Respond to Discovery filed by Dennis C Blair, Dana J. Boente, Michael P. Dempsey, National Security Agency, Michael S. Rogers, Donald J. Trump, United States Department of Justice, United States of America. (Gilligan, James) (Filed on 8/9/2017) Modified on 8/10/2017 (cjlS, COURT STAFF). (Entered: 08/09/2017)
08/10/2017	<u>378</u>	ORDER by Judge Jeffrey S. White granting <u>377</u> Stipulation to Extend Time to Respond to Discovery. (jjoS, COURT STAFF) (Filed on 8/10/2017) (Entered: 08/10/2017)
10/04/2017	<u>379</u>	Second Extension of Time to Respond to Discovery Requests on Standing filed by Dennis C Blair, Dana J. Boente, Michael P. Dempsey, National Security Agency, Barack Obama, Michael S. Rogers, Donald J. Trump, United States Department of Justice, United States of America. Responses due by 10/10/2017. (Attachments: # <u>1</u> Affidavit (Declaration of James J. Gilligan), # <u>2</u> Affidavit (Redacted Declaration of NSA Deputy Director of Capabilities), # <u>3</u> Proposed Order)(Gilligan, James) (Filed on 10/4/2017) Modified on 10/5/2017 (cjlS, COURT STAFF). (Entered: 10/04/2017)
10/05/2017	<u>380</u>	Administrative Motion to File Under Seal <i>Portions of the Declaration of Elizabeth B.</i> filed by Dennis C Blair, Dana J. Boente, Michael P. Dempsey, National Security Agency, Barack Obama, Michael S. Rogers, Donald J. Trump, United States Department of Justice, United States of America. (Attachments: # <u>1</u> Declaration, # <u>2</u> Proposed Order, # <u>3</u> Redacted Version of Declaration of Elizabeth B., # <u>4</u> Unredacted version of Declaration of Elizabeth B.)(Anderson, Caroline) (Filed on 10/5/2017) (Entered: 10/05/2017)

10/09/2017	<u>381</u>	Stipulation and [Proposed] Order Granting an Extension of Time filed by Carolyn Jewel, Erik Knutzen, Joice Walton. (Tassin, Philip) (Filed on 10/9/2017) Modified on 10/10/2017 (cjlS, COURT STAFF). (Entered: 10/09/2017)
10/10/2017	<u>382</u>	ORDER by Judge Jeffrey S. White granting <u>381</u> Stipulation Granting an Extension of Time. (jjoS, COURT STAFF) (Filed on 10/10/2017) (Entered: 10/10/2017)
10/12/2017	<u>383</u>	OPPOSITION/RESPONSE (re <u>379</u> Second Extension of Time to Respond to Discovery Requests on Standing) filed by Tash Hepting, Young Boon Hicks, Carolyn Jewel, Erik Knutzen, Joice Walton. (Attachments: # <u>1</u> Proposed Order)(Wiebe, Richard) (Filed on 10/12/2017) (Entered: 10/12/2017)
10/23/2017	<u>384</u>	ORDER RE DEFENDANTS' REQUEST FOR EXTENSION OF TIME. Signed by Judge Jeffrey S. White on 10/23/17. (jjoS, COURT STAFF) (Filed on 10/23/2017) (Entered: 10/23/2017)
10/31/2017	<u>385</u>	ORDER by Judge JEFFREY S. WHITE granting <u>380</u> Administrative Motion to File Under Seal. (jjoS, COURT STAFF) (Filed on 10/31/2017) (Entered: 10/31/2017)
01/18/2018	<u>386</u>	STIPULATION WITH PROPOSED ORDER <i>to Extend Time to Respond to Discovery</i> filed by Dennis C Blair, Dana J. Boente, Michael P. Dempsey, National Security Agency, Michael S. Rogers, Donald J. Trump, United States Department of Justice, United States of America. (Attachments: # <u>1</u> Affidavit (Declaration of James J. Gilligan in Support of Stipulation and Proposed Order to Extend Time to Respond to Discovery), # <u>2</u> Affidavit (Declaration of Dr. Mark O., Chief, Office of Compliance for Capabilities, NSA))(Gilligan, James) (Filed on 1/18/2018) (Entered: 01/18/2018)
01/19/2018	<u>387</u>	ORDER by Judge Jeffrey S. White granting <u>386</u> Stipulation to Extend Time to Respond to Discovery. (jjoS, COURT STAFF) (Filed on 1/19/2018) (Entered: 01/19/2018)
02/16/2018	<u>388</u>	The Government Defendants' Notice of Submission of Their Classified and Unclassified Response to the Court's May 22, 2017 Order by National Security Agency, United States Department of Justice, United States of America. (Attachments: # <u>1</u> Appendix A, # <u>2</u> Appendix B)(Berman, Julia) (Filed on 2/16/2018) Modified on 2/20/2018 (cjlS, COURT STAFF). (Entered: 02/16/2018)
03/30/2018	<u>389</u>	NOTICE OF FILING OF REDACTED VERSION OF THE CLASSIFIED DECLARATION THE GOVERNMENT DEFENDANTS LODGED WITH THE COURT IN CAMERA AND EX PARTE ON FEBRUARY 16, 2018 by National Security Agency, Michael S. Rogers, Donald J. Trump, United States Department of Justice, United States of America. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit)(Patton, Rodney) (Filed on 3/30/2018) Modified on 4/2/2018 (cjlS, COURT STAFF). (Entered: 03/30/2018)
04/02/2018	<u>390</u>	NOTICE OF FILING OF CLASSIFIED DECLARATION OF DR. MARK O., NATIONAL SECURITY AGENCY FILED BY THE GOVERNMENT DEFENDANTS FOR THE COURTS IN CAMERA AND EX PARTE REVIEW by National Security Agency, Michael S. Rogers, Donald J. Trump, United States Department of Justice, United States of America. (Patton, Rodney) (Filed on 4/2/2018) Modified on 4/3/2018 (cjlS, COURT STAFF). (Entered: 04/02/2018)
05/03/2018	<u>391</u>	NOTICE of Withdrawal of Michael Kwun as Counsel for Plaintiffs by Tash Hepting, Young Boon Hicks, Carolyn Jewel, Erik Knutzen, Joice Walton. (Kwun, Michael) (Filed on 5/3/2018) Modified on 5/4/2018 (cjlS, COURT STAFF). (Entered: 05/03/2018)
05/07/2018	<u>392</u>	NOTICE of Appearance by Olivia Rose Hussey Scott (Scott, Olivia) (Filed on 5/7/2018) (Entered: 05/07/2018)
05/07/2018	<u>393</u>	MOTION Access to Classified Discovery Materials Pursuant to 18 USC sec. 2712(b)(4) filed by Tash Hepting, Young Boon Hicks, Carolyn Jewel, Erik Knutzen, Joice Walton. Motion Hearing set for 7/6/2018 09:00 AM in Oakland, Courtroom 5, 2nd Floor before Judge Jeffrey S. White. Responses due by 5/21/2018. Replies due by 5/29/2018. (Attachments: # <u>1</u> Proposed Order Proposed Order)(Wiebe, Richard) (Filed on 5/7/2018) (Entered: 05/07/2018)

05/10/2018	<u>394</u>	ADMINISTRATIVE MOTION Advance Hearing Date on Motion re <u>393</u> MOTION Access to Classified Discovery Materials Pursuant to 18 USC sec. 2712(b)(4) filed by Carolyn Jewel. Responses due by 5/14/2018. (Attachments: # <u>1</u> Proposed Order)(Moore, Thomas) (Filed on 5/10/2018) (Entered: 05/10/2018)
05/15/2018	<u>395</u>	OPPOSITION/RESPONSE (re <u>394</u> ADMINISTRATIVE MOTION Advance Hearing Date on Motion re <u>393</u> MOTION Access to Classified Discovery Materials Pursuant to 18 USC sec. 2712(b)(4)) filed byDennis C Blair, Dana J. Boente, Michael P. Dempsey, National Security Agency, Michael S. Rogers, Donald J. Trump, United States Department of Justice, United States of America. (Attachments: # <u>1</u> Proposed Order)(Gilligan, James) (Filed on 5/15/2018) (Entered: 05/15/2018)
05/16/2018	<u>396</u>	ORDER DENYING <u>394</u> Administrative Motion Advance Hearing Date on <u>393</u> Motion Access to Classified Discovery Materials Pursuant to 18 USC sec. 2712(b)(4). Signed by Judge Jeffrey S. White on May 16, 2018. (jswlc3S, COURT STAFF) (Filed on 5/16/2018) (Entered: 05/16/2018)
05/18/2018	<u>397</u>	ADMINISTRATIVE MOTION for Enlargement of Page Limit filed by Dennis C Blair, Dana J. Boente, Michael P. Dempsey, National Security Agency, Michael S. Rogers, Donald J. Trump, United States Department of Justice, United States of America. Responses due by 5/22/2018. (Attachments: # <u>1</u> Proposed Order)(Gilligan, James) (Filed on 5/18/2018) (Entered: 05/18/2018)
05/18/2018	<u>398</u>	OPPOSITION/RESPONSE (re <u>397</u> ADMINISTRATIVE MOTION for Enlargement of Page Limit) filed byTash Hepting, Young Boon Hicks, Carolyn Jewel, Erik Knutzen, Joice Walton. (Attachments: # <u>1</u> Proposed Order)(Wiebe, Richard) (Filed on 5/18/2018) (Entered: 05/18/2018)
05/21/2018	<u>399</u>	ORDER by Judge JEFFREY S. WHITE granting <u>397</u> Administrative Motion for Enlargement of Page Limit. (jjoS, COURT STAFF) (Filed on 5/21/2018) (Entered: 05/21/2018)
05/21/2018	<u>400</u>	OPPOSITION/RESPONSE (re <u>393</u> MOTION Access to Classified Discovery Materials Pursuant to 18 USC sec. 2712(b)(4)) filed byDennis C Blair, Dana J. Boente, Michael P. Dempsey, National Security Agency, Michael S. Rogers, Donald J. Trump, United States Department of Justice, United States of America. (Attachments: # <u>1</u> Proposed Order)(Gilligan, James) (Filed on 5/21/2018) (Entered: 05/21/2018)
05/29/2018	<u>401</u>	REPLY (re <u>393</u> MOTION Access to Classified Discovery Materials Pursuant to 18 USC sec. 2712(b)(4)) filed byCarolyn Jewel. (Moore, Thomas) (Filed on 5/29/2018) (Entered: 05/29/2018)
06/08/2018	<u>402</u>	Consent MOTION to Withdraw as Attorney (<i>Timothy A. Johnson</i>) filed by National Security Agency, Michael S. Rogers, Donald J. Trump, United States Department of Justice, United States of America. Responses due by 6/22/2018. Replies due by 6/29/2018. (Johnson, Timothy) (Filed on 6/8/2018) (Entered: 06/08/2018)
06/13/2018	<u>403</u>	NOTICE of Filing of Classified Declaration of Dr. Mark O., National Security Agency, Filed by the Government Defendants for the Court's In Camera and Ex Parte Review by National Security Agency, Michael S. Rogers, Donald J. Trump, United States Department of Justice, United States of America. (Attachments: # <u>1</u> Exhibit)(Patton, Rodney) (Filed on 6/13/2018) Modified on 6/14/2018 (cjlS, COURT STAFF). (Entered: 06/13/2018)
06/13/2018	<u>404</u>	ORDER by Judge Jeffrey S. White DENYING <u>393</u> Plaintiffs' Motion for Access to Classified Discovery Materials and REQUIRING Additional Briefing.(jswlc2S, COURT STAFF) (Filed on 6/13/2018) (Entered: 06/13/2018)
06/22/2018	<u>405</u>	Stipulated Request for an Extension of Time to Respond to the Courts June 13, 2018 Order filed by National Security Agency, Michael S. Rogers, Donald J. Trump, United States Department of Justice, United States of America. (Attachments: # <u>1</u> Exhibit 1)(Heiman, Julia) (Filed on 6/22/2018) Modified on 6/22/2018 (cjlS, COURT STAFF). (Entered: 06/22/2018)
07/05/2018	<u>406</u>	ORDER by Judge JEFFREY S. WHITE granting <u>405</u> Stipulation for an Extension of Time to Respond to the Courts June 13, 2018 Order. (jjoS, COURT STAFF) (Filed on 7/5/2018) (Entered: 07/05/2018)

07/20/2018	<u>407</u>	RESPONSE re <u>404</u> Order on Motion for Miscellaneous Relief and to the Court's June 13, 2018 Briefing Order by Tash Hepting, Young Boon Hicks, Carolyn Jewel, Erik Knutzen, Joice Walton. (Wiebe, Richard) (Filed on 7/20/2018) Modified on 7/23/2018 (cjlS, COURT STAFF). (Entered: 07/20/2018)
07/20/2018	<u>408</u>	RESPONSE to the Court's Order Requiring Additional Briefing on Five Issues Concerning the Government's Assertions of Privilege by Dennis C Blair, Dana J. Boente, Michael P. Dempsey, National Security Agency, Michael S. Rogers, Donald J. Trump, United States Department of Justice, United States of America. (Gilligan, James) (Filed on 7/20/2018) (Entered: 07/20/2018)
08/10/2018	<u>409</u>	NOTICE by Tash Hepting, Young Boon Hicks, Carolyn Jewel, Erik Knutzen, Joice Walton of <i>Withdrawal of Mark Rumold as Counsel for Plaintiffs</i> (Rumold, Mark) (Filed on 8/10/2018) (Entered: 08/10/2018)
08/17/2018	<u>410</u>	ORDER REQUIRING DISPOSITIVE MOTIONS BRIEFING. Signed by Judge Jeffrey S. White on August 17, 2018. (jswlc2S, COURT STAFF) (Filed on 8/17/2018) (Entered: 08/17/2018)
08/24/2018	<u>411</u>	Joint Discovery Letter Brief filed by Tash Hepting, Young Boon Hicks, Carolyn Jewel, Erik Knutzen, Joice Walton, United States of America, National Security Agency. (Attachments: # <u>1</u> Proposed Order)(Wiebe, Richard) (Filed on 8/24/2018) Modified on 8/27/2018 (cjlS, COURT STAFF). (Entered: 08/24/2018)
08/28/2018	<u>412</u>	ORDER REGARDING <u>411</u> Joint Discovery Letter Brief. Signed by Judge Jeffrey S. White on 8/28/18. (jjoS, COURT STAFF) (Filed on 8/28/2018) (Entered: 08/28/2018)
09/07/2018	<u>413</u>	Government Defendants Notice of Motion and Motion for Summary Judgment as to Plaintiffs Statutory Claims filed by Dennis C Blair, Dana J. Boente, Michael P. Dempsey, National Security Agency, Michael S. Rogers, Donald J. Trump, United States Department of Justice, United States of America. Responses due by 9/28/2018. Replies due by 10/12/2018. (Attachments: # <u>1</u> Proposed Order)(Gilligan, James) (Filed on 9/7/2018) Modified on 9/10/2018 (cjlS, COURT STAFF). (Entered: 09/07/2018)
09/19/2018	<u>414</u>	Errata to <u>388</u> the Government Defendants' Unclassified Response to the Court's May 22, 2017 Order by Dennis C Blair, Dana J. Boente, Michael P. Dempsey, National Security Agency, Michael S. Rogers, Donald J. Trump, United States Department of Justice, United States of America. (Attachments: # <u>1</u> Government Defendants' Supplemental and Revised Response to Plaintiffs' Revised First Set of RFAs – Limited to Standing)(Heiman, Julia) (Filed on 9/19/2018) Modified on 9/20/2018 (cjlS, COURT STAFF). (Entered: 09/19/2018)
09/26/2018	<u>415</u>	ADMINISTRATIVE MOTION Enlargement of Page Limit for Plaintiffs' Opposition re <u>413</u> Government Defendants Notice of Motion and Motion for Summary Judgment as to Plaintiffs Statutory Claims) filed by Tash Hepting, Young Boon Hicks, Carolyn Jewel, Erik Knutzen, Joice Walton. Responses due by 10/1/2018. (Attachments: # <u>1</u> Proposed Order)(Greene, David) (Filed on 9/26/2018) (Entered: 09/26/2018)
09/26/2018	<u>416</u>	ORDER by Judge Jeffrey S. White granting <u>415</u> Unopposed Administrative Motion Enlargement of Page Limit for Plaintiffs' Opposition. (jjoS, COURT STAFF) (Filed on 9/26/2018) (Entered: 09/26/2018)
09/28/2018	<u>417</u>	OPPOSITION/RESPONSE (re <u>413</u> Government Defendants Notice of Motion and Motion for Summary Judgment as to Plaintiffs Statutory Claims)) <i>Notice and Motion to Proceed to Resolution of the Merits Using the Procedures of Section 1806(f)</i> filed by Tash Hepting, Young Boon Hicks, Carolyn Jewel, Erik Knutzen, Joice Walton. (Attachments: # <u>1</u> Declaration of Rick R. Wiebe in Support of Plaintiffs' FRCP 56(d) Request for Further Discovery on Standing, # <u>2</u> Declaration of Cindy A. Cohn in Opposition to the Government's Motion for Summary Judgment, # <u>3</u> Declaration of David A. Greene in Opposition to the Government's Motion for Summary Judgment, # <u>4</u> Declaration of Rick R. Wiebe in Opposition to the Government's Motion for Summary Judgment, # <u>5</u> Declaration of Phillip Long, # <u>6</u> Declaration of Dr. Brian Reid, # <u>7</u> Declaration of Professor Matthew Blaze, # <u>8</u> Declaration of Ashkan Soltani, # <u>9</u> Declaration of Carolyn Jewel in Opposition to the Government Defendants' Motion for Summary Judgment, # <u>10</u> Declaration of Tash Hepting in Opposition to the Government Defendants' Motion for Summary Judgment, # <u>11</u> Declaration of Young Boon Hicks in Opposition to the Government Defendants' Motion for Summary

		Judgment, # <u>12</u> Declaration of Erik Knutzen in Opposition to the Government Defendants' Motion for Summary Judgment, # <u>13</u> Declaration of Joice Walton in Opposition to the Government Defendants' Motion for Summary Judgment, # <u>14</u> Proposed Order)(Wiebe, Richard) (Filed on 9/28/2018) (Entered: 09/28/2018)
10/05/2018	<u>418</u>	Plaintiffs' [Corrected Proposed] Order re <u>417</u> Opposition/Response to Motion by Tash Hepting, Young Boon Hicks, Carolyn Jewel, Erik Knutzen, Joice Walton. (Wiebe, Richard) (Filed on 10/5/2018) Modified on 10/9/2018 (cjlS, COURT STAFF). (Entered: 10/05/2018)
10/11/2018	<u>419</u>	Stipulated and [Proposed] Order Requesting for an Extension of Time and Enlargement of Page Limit for Dispositive Motions Briefing filed by Dennis C Blair, Dana J. Boente, Michael P. Dempsey, National Security Agency, Michael S. Rogers, Donald J. Trump, United States Department of Justice, United States of America, Carolyn Jewel. (Heiman, Julia) (Filed on 10/11/2018) Modified on 10/12/2018 (cjlS, COURT STAFF). (Entered: 10/11/2018)
10/12/2018	<u>420</u>	ORDER by Judge Jeffrey S. White granting <u>419</u> Stipulation for an Extension of Time and Enlargement of Page Limit for Dispositive Motions Briefing. Responses due by 10/17/2018. Replies due by 11/2/2018.(jjoS, COURT STAFF) (Filed on 10/12/2018) (Entered: 10/12/2018)
10/18/2018	<u>421</u>	REPLY (re <u>413</u> Government Defendants Notice of Motion and Motion for Summary Judgment as to Plaintiffs Statutory Claims)) filed byDennis C Blair, Dana J. Boente, Michael P. Dempsey, National Security Agency, Michael S. Rogers, Donald J. Trump, United States Department of Justice, United States of America. (Attachments: # <u>1</u> Declaration of Rodney Patton, # <u>2</u> Exhibit (Government Defendants' Response to Plaintiffs' Rule 56(d) Request for Further Discovery), # <u>3</u> Proposed Order)(Gilligan, James) (Filed on 10/18/2018) (Entered: 10/18/2018)
10/18/2018	<u>422</u>	Notice of Lodging of Classified Materials for In Camera, Ex Parte Review by Dennis C Blair, Dana J. Boente, Michael P. Dempsey, National Security Agency, Michael S. Rogers, Donald J. Trump, United States Department of Justice, United States of America. (Gilligan, James) (Filed on 10/18/2018) Modified on 10/19/2018 (cjlS, COURT STAFF). (Entered: 10/18/2018)
10/18/2018	<u>423</u>	ADMINISTRATIVE MOTION for an Extension of 3 Hours and 23 Minutes to File their Reply Brief in Support of their Motion for Summary Judgment and Opposition to Plaintiffs' Motion to Proceed filed by Dennis C Blair, Dana J. Boente, Michael P. Dempsey, National Security Agency, Michael S. Rogers, Donald J. Trump, United States Department of Justice, United States of America. Responses due by 10/22/2018. (Attachments: # <u>1</u> Proposed Order)(Heiman, Julia) (Filed on 10/18/2018) (Entered: 10/18/2018)
10/19/2018	<u>424</u>	NOTICE of Appearance by Aaron David Mackey <i>as counsel for Plaintiffs</i> (Mackey, Aaron) (Filed on 10/19/2018) (Entered: 10/19/2018)
10/22/2018	<u>425</u>	NOTICE OF FILING OF REDACTED VERSION OF CLASSIFIED DECLARATION OF DR. MARK O. THE GOVERNMENT DEFENDANTS LODGED WITH THE COURT IN CAMERA AND EX PARTE ON OCTOBER 18, 2018 by Dana J. Boente, National Security Agency, Michael S. Rogers, Donald J. Trump, United States Department of Justice, United States of America. (Attachments: # <u>1</u> Declaration)(Patton, Rodney) (Filed on 10/22/2018) Modified on 10/23/2018 (cjlS, COURT STAFF). (Entered: 10/22/2018)
10/25/2018	<u>426</u>	ORDER by Judge Jeffrey S. White granting <u>423</u> Administrative Motion for an Extension of 3 Hours and 23 Minutes to File their Reply Brief in Support of their Motion for Summary Judgment and Opposition to Plaintiffs' Motion to Proceed. (jjoS, COURT STAFF) (Filed on 10/25/2018) Modified on 10/25/2018 (jjoS, COURT STAFF). (Entered: 10/25/2018)
10/31/2018	<u>427</u>	ADMINISTRATIVE MOTION for an Enlargement of the Page Limitation for Plaintiffs' Reply in Support of Their Motion to Proceed to Resolution on the Merits Using the Procedures of Section 1806(f) filed by Tash Hepting, Young Boon Hicks, Carolyn Jewel, Erik Knutzen, Joice Walton. Responses due by 11/5/2018. (Attachments: # <u>1</u> Proposed Order)(Greene, David) (Filed on 10/31/2018) (Entered: 10/31/2018)

10/31/2018	<u>428</u>	ORDER y Judge Jeffrey S. White GRANTING 427 Administrative Motion for Additional Pages. (jswlc2S, COURT STAFF) (Filed on 10/31/2018) (Entered: 10/31/2018)
11/02/2018	<u>429</u>	Administrative Motion to File Under Seal <i>Plaintiffs' Reply</i> filed by Tash Hepting, Young Boon Hicks, Carolyn Jewel, Erik Knutzen, Joice Walton. (Attachments: # <u>1</u> Proposed Order Proposed Order Sealing Plaintiffs' Reply, # <u>2</u> Redacted Version of Plaintiffs' Reply, # <u>3</u> Unredacted Version of Plaintiffs' Reply)(Wiebe, Richard) (Filed on 11/2/2018) (Entered: 11/02/2018)
11/02/2018	<u>430</u>	REPLY (re <u>413</u> Government Defendants Notice of Motion and Motion for Summary Judgment as to Plaintiffs Statutory Claims)) and <i>Plaintiffs' Motion to Proceed to the Merits Using the Procedures of Section 1806(f)</i> <u>417</u> filed byTash Hepting, Young Boon Hicks, Carolyn Jewel, Erik Knutzen, Joice Walton. (Wiebe, Richard) (Filed on 11/2/2018) (Entered: 11/02/2018)
11/02/2018	<u>431</u>	Declaration of David McCraw in Support of <u>430</u> Reply to Opposition/Response, filed byTash Hepting, Young Boon Hicks, Carolyn Jewel, Erik Knutzen, Joice Walton. (Related document(s) <u>430</u>) (Wiebe, Richard) (Filed on 11/2/2018) (Entered: 11/02/2018)
11/02/2018	<u>432</u>	Declaration of Edward Snowden in Support of <u>430</u> Reply to Opposition/Response, filed byTash Hepting, Young Boon Hicks, Carolyn Jewel, Erik Knutzen, Joice Walton. (Related document(s) <u>430</u>) (Wiebe, Richard) (Filed on 11/2/2018) (Entered: 11/02/2018)
11/09/2018	<u>433</u>	ADMINISTRATIVE MOTION to Strike Plaintiffs' Improper Surreply to Government Defendants' Summary Judgment Motion, or, in the Alternative, for Leave to Respond to Plaintiffs' Filing by November 30, 2018 re <u>430</u> Reply to Opposition/Response, <u>431</u> Declaration in Support, <u>432</u> Declaration in Support and <i>Objection, pursuant to Local Rules 7-3(d)(1) and 7-II</i> , filed by Dana J. Boente, National Security Agency, Michael S. Rogers, Donald J. Trump, United States Department of Justice, United States of America. Responses due by 11/13/2018. (Attachments: # <u>1</u> Declaration of Olivia Hussey Scott, # <u>2</u> Proposed Order, # <u>3</u> Alternative Proposed Order)(Scott, Olivia) (Filed on 11/9/2018) (Entered: 11/09/2018)
11/13/2018	<u>434</u>	OPPOSITION/RESPONSE (re <u>433</u> ADMINISTRATIVE MOTION to Strike Plaintiffs' Improper Surreply to Government Defendants' Summary Judgment Motion, or, in the Alternative, for Leave to Respond to Plaintiffs' Filing by November 30, 2018 re <u>430</u> Reply to Opposition/Res) filed byTash Hepting, Young Boon Hicks, Carolyn Jewel, Erik Knutzen, Joice Walton. (Attachments: # <u>1</u> Proposed Order Denying the Government's Administrative Motion)(Wiebe, Richard) (Filed on 11/13/2018) (Entered: 11/13/2018)
11/20/2018	<u>435</u>	ORDER by Judge Jeffrey S. White GRANTING 429 Administrative Motion to File Under Seal. (jswlc3S, COURT STAFF) (Filed on 11/20/2018) (Entered: 11/20/2018)
11/20/2018	<u>436</u>	ORDER GRANTING AS MODIFIED 433 ADMINISTRATIVE MOTION for Leave to Respond to Plaintiffs' Filing by November 30, 2018. Government Defendants' response due by November 30, 2018. Plaintiffs may file a final sur-reply by 12/7/2018. Signed by Judge Jeffrey S. White on November 20, 2018. (jswlc3S, COURT STAFF) (Filed on 11/20/2018) (Entered: 11/20/2018)
11/30/2018	<u>437</u>	NOTICE OF FILING OF REDACTED VERSION OF CLASSIFIED DECLARATION OF JONATHAN L. DARBY THE GOVERNMENT DEFENDANTS LODGED WITH THE COURT IN CAMERA AND EX PARTE ON OCTOBER 18, 2018 by National Security Agency, Donald J. Trump, United States of America. (Attachments: # <u>1</u> Declaration)(Patton, Rodney) (Filed on 11/30/2018) Modified on 12/3/2018 (cjlS, COURT STAFF). (Entered: 11/30/2018)
11/30/2018	<u>438</u>	Administrative Motion to File Under Seal <i>Portions of Sur-Reply in Support of the Government Defendants' Motion for Summary Judgment as to Plaintiffs' Statutory Claims</i> filed by Dana J. Boente, Michael P. Dempsey, National Security Agency, Michael S. Rogers, Donald J. Trump, United States Department of Justice, United States of America. (Attachments: # <u>1</u> Proposed Order, # <u>2</u> (Redacted Version of Sur-Reply in Support of the Government Defendants' Motion for Summary Judgment as to PLaintiffs' Statutory Claims), # <u>3</u> (Unredacted Version of Sur-Reply in Support

		of the Government Defendants' Motion for Summary Judgment as to PLaintiffs' Statutory Claims))(Gilligan, James) (Filed on 11/30/2018) (Entered: 11/30/2018)
11/30/2018	<u>439</u>	Government Defendants' Sur-Reply (re <u>413</u> Government Defendants Notice of Motion and Motion for Summary Judgment as to Plaintiffs Statutory Claims) filed by Dennis C Blair, Dana J. Boente, Michael P. Dempsey, National Security Agency, Barack Obama, Michael S. Rogers, Donald J. Trump, United States Department of Justice, United States of America. (Attachments: # <u>1</u> Exhibit (Declaration of William P. Fritzlen))(Gilligan, James) (Filed on 11/30/2018) Modified on 12/3/2018 (cjlS, COURT STAFF). (Entered: 11/30/2018)
12/03/2018	<u>440</u>	CLERK'S NOTICE SETTING HEARING ON CROSS MOTIONS FOR SUMMARY JUDGMENT: Motion Hearing set for 2/1/2019 09:00 AM in Oakland, Courtroom 5, 2nd Floor before Judge Jeffrey S. White. (jjoS, COURT STAFF) (Filed on 12/3/2018) (Entered: 12/03/2018)
12/07/2018	<u>441</u>	Administrative Motion to File Under Seal <i>Plaintiffs' Surreply</i> filed by Tash Hepting, Young Boon Hicks, Carolyn Jewel, Erik Knutzen, Joice Walton. (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Redacted Version of Plaintiffs' Surreply, # <u>3</u> Unredacted Version of Plaintiffs' Surreply)(Wiebe, Richard) (Filed on 12/7/2018) (Entered: 12/07/2018)
12/07/2018	<u>442</u>	PLAINTIFF'S SURREPLY re <u>413</u> Government Defendants Notice of Motion and Motion for Summary Judgment as to Plaintiffs Statutory Claims and <u>417</u> Plaintiffs' Motion to Proceed to the Merits Using the Procedures of Section 1806(f) filed by Tash Hepting, Young Boon Hicks, Carolyn Jewel, Erik Knutzen, Joice Walton. (Wiebe, Richard) (Filed on 12/7/2018) Modified on 12/10/2018 (cjlS, COURT STAFF). (Entered: 12/07/2018)
12/17/2018	<u>443</u>	NOTICE of Change of Address by Olivia Hussey Scott <i>Julia A. Heiman, Rodney Patton, James J. Gilligan, and Anthony J. Coppolino</i> (Scott, Olivia) (Filed on 12/17/2018) (Entered: 12/17/2018)
12/17/2018		<u>Electronic filing error.</u> [err102] REMINDER: Counsel must update personal profile for change of contact information to be in effect Re: <u>443</u> Notice of Change of Address filed by Dana J. Boente, United States of America, Michael P. Dempsey, United States Department of Justice, Michael S. Rogers, Donald J. Trump, National Security Agency. (cjlS, COURT STAFF) (Filed on 12/17/2018) (Entered: 12/17/2018)
12/19/2018	<u>444</u>	ORDER by Judge Jeffrey S. White granting <u>438</u> Administrative Motion to File Under Seal. (jjoS, COURT STAFF) (Filed on 12/19/2018) (Entered: 12/19/2018)
12/19/2018	<u>445</u>	ORDER by Judge Jeffrey S. White granting <u>441</u> Administrative Motion to File Under Seal. (jjoS, COURT STAFF) (Filed on 12/19/2018) (Entered: 12/19/2018)
01/16/2019	<u>446</u>	ADMINISTRATIVE MOTION <i>for a Stay of Proceedings in Light of Lapse of Appropriations</i> filed by Dana J. Boente, Michael P. Dempsey, National Security Agency, Michael S. Rogers, Donald J. Trump, United States Department of Justice, United States of America. Responses due by 1/22/2019. (Attachments: # <u>1</u> Affidavit (Declaration of James J. Gilligan), # <u>2</u> Proposed Order)(Gilligan, James) (Filed on 1/16/2019) (Entered: 01/16/2019)
01/18/2019	<u>447</u>	OPPOSITION/RESPONSE (re <u>446</u> ADMINISTRATIVE MOTION <i>for a Stay of Proceedings in Light of Lapse of Appropriations</i>) filed byTash Hepting, Young Boon Hicks, Carolyn Jewel, Erik Knutzen, Joice Walton. (Attachments: # <u>1</u> Proposed Order)(Wiebe, Richard) (Filed on 1/18/2019) (Entered: 01/18/2019)
01/22/2019	<u>448</u>	ORDER by Judge Jeffrey S. White granting <u>446</u> Administrative Motion for a Stay of Proceedings in Light of Lapse of Appropriations. (jjoS, COURT STAFF) (Filed on 1/22/2019) (Entered: 01/22/2019)
01/22/2019		Set/Reset Deadlines as to <u>413</u> Government Defendants Notice of Motion and Motion for Summary Judgment as to Plaintiffs Statutory Claims). Motion Hearing set for 3/29/2019 09:00 AM in Oakland, Courtroom 5, 2nd Floor before Judge Jeffrey S. White. (jjoS, COURT STAFF) (Filed on 1/22/2019) (Entered: 01/22/2019)
01/28/2019	<u>449</u>	NOTICE TO THE COURT OF THE RESTORATION OF APPROPRIATIONS by National Security Agency, Michael S. Rogers, Donald J. Trump, United States Department of Justice, United States of America. (Patton, Rodney) (Filed on

		1/28/2019) Modified on 1/30/2019 (cjlS, COURT STAFF). (Entered: 01/28/2019)
03/01/2019	<u>450</u>	STATEMENT OF RECENT DECISION pursuant to Civil Local Rule 7-3.d filed by Tash Hepting, Young Boon Hicks, Carolyn Jewel, Erik Knutzen, Joice Walton. (Attachments: # <u>1</u> Exhibit Fazaga v. FBI)(Related document(s) <u>417</u> , <u>413</u>) (Wiebe, Richard) (Filed on 3/1/2019) (Entered: 03/01/2019)
03/04/2019	<u>451</u>	ORDER DIRECTING PARTIES TO SUBMIT SUPPLEMENTAL BRIEFING. Signed by Judge Jeffrey S. White on 3/4/19. (jjoS, COURT STAFF) (Filed on 3/4/2019) (Entered: 03/04/2019)
03/11/2019	<u>452</u>	Plaintiffs' Supplemental Brief re Fazaga v. FBI re <u>417</u> Opposition/Response to Motion, <u>451</u> Order, <u>413</u> Government Defendants Notice of Motion and Motion for Summary Judgment as to Plaintiffs Statutory Claims filed by Tash Hepting, Young Boon Hicks, Carolyn Jewel, Erik Knutzen, Joice Walton. (Related document(s) <u>417</u> , <u>451</u> , <u>413</u>) (Wiebe, Richard) (Filed on 3/11/2019) Modified on 3/12/2019 (cjlS, COURT STAFF). (Entered: 03/11/2019)
03/11/2019	<u>453</u>	The Government Defendants Response to the Courts Order Directing the Parties to Submit Supplemental Briefing on the Effect of Fazaga v. FBI filed by Dennis C Blair, Dana J. Boente, Michael P. Dempsey, National Security Agency, Michael S. Rogers, Donald J. Trump, United States Department of Justice, United States of America. (Gilligan, James) (Filed on 3/11/2019) Modified on 3/12/2019 (cjlS, COURT STAFF). (Entered: 03/11/2019)
03/13/2019	<u>454</u>	Clerk's Notice of Video Recording Request. Video Camera hearing set for 3/29/2019 09:00 AM. Objections to Video Recording due 3/20/2019. (dtmS, COURT STAFF) (Filed on 3/13/2019) (Entered: 03/13/2019)
03/14/2019	<u>455</u>	NOTICE OF QUESTIONS FOR HEARING. Signed by Judge Jeffrey S. White on March 14, 2019. (jswlc2S, COURT STAFF) (Filed on 3/14/2019) (Entered: 03/14/2019)
03/25/2019	<u>456</u>	CLERK'S NOTICE NOTICE REGARDING VIDEO RECORDING (jjoS, COURT STAFF) (Filed on 3/25/2019) (Entered: 03/25/2019)
03/25/2019	<u>457</u>	NOTICE OF ADDITIONAL AUTHORITIES FOR MARCH 29, 2019 HEARING by National Security Agency, Michael S. Rogers, Donald J. Trump, United States Department of Justice, United States of America (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit)(Patton, Rodney) (Filed on 3/25/2019) Modified on 3/26/2019 (cjlS, COURT STAFF). (Entered: 03/25/2019)
03/29/2019	<u>458</u>	Minute Entry for proceedings held before Judge Jeffrey S. White: Hearing on Motion for Summary Judgment held on 3/29/2019. Total Time in Court: 2 hours 30 minutes. Court Reporter: Diane Skillman. (jjoS, COURT STAFF) (Date Filed: 3/29/2019) (Entered: 03/29/2019)
03/29/2019	<u>459</u>	TRANSCRIPT ORDER for proceedings held on 3-29-2019 before Judge Jeffrey S. White by Tash Hepting, Young Boon Hicks, Carolyn Jewel, Erik Knutzen, Joice Walton, for Court Reporter Diane Skillman. (Wiebe, Richard) (Filed on 3/29/2019) (Entered: 03/29/2019)
04/01/2019	<u>460</u>	TRANSCRIPT ORDER for proceedings held on 03-29-2019 before Judge Jeffrey S. White by Dennis C Blair, Dana J. Boente, Michael P. Dempsey, National Security Agency, Michael S. Rogers, Donald J. Trump, United States Department of Justice, United States of America, for Court Reporter Diane Skillman. (Gilligan, James) (Filed on 4/1/2019) (Entered: 04/01/2019)
04/05/2019	<u>461</u>	Transcript of Proceedings held on March 29, 2019, before Judge Jeffrey S. White. Court Reporter Diane E. Skillman, telephone number 925-899-2812, Diane_Skillman@cand.uscourts.gov. Per General Order No. 59 and Judicial Conference policy, this transcript may be viewed only at the Clerk's Office public terminal or may be purchased through the Court Reporter until the deadline for the Release of Transcript Restriction. After that date it may be obtained through PACER. Any Notice of Intent to Request Redaction, if required, is due no later than 5 business days from date of this filing. (Re <u>460</u> Transcript Order, <u>459</u> Transcript Order) Release of Transcript Restriction set for 7/5/2019. (Related documents(s) <u>460</u> , <u>459</u>) (Skillman, Diane) (Filed on 4/5/2019) (Entered: 04/05/2019)

04/25/2019	<u>462</u>	ORDER by Judge Jeffrey S. White granting <u>413</u> MOTION FOR SUMMARY JUDGMENT AND DENYING PLAINTIFFS CROSS MOTION. (jjoS, COURT STAFF) (Filed on 4/25/2019) (Entered: 04/25/2019)
04/25/2019	<u>463</u>	NOTICE OF FILING OF CLASSIFIED ORDER. Signed by Judge JEFFREY S. WHITE on 4/25/19. (jjoS, COURT STAFF) (Filed on 4/25/2019) (Entered: 04/25/2019)
04/25/2019	<u>464</u>	JUDGMENT. Signed by Judge JEFFREY S. WHITE on 4/25/19. ***Civil Case Terminated.(jjoS, COURT STAFF) (Filed on 4/25/2019) (Entered: 04/25/2019)
05/20/2019	<u>465</u>	NOTICE OF APPEAL to the 9th Circuit Court of Appeals filed by Tash Hepting, Gregory Hicks, Young Boon Hicks, Carolyn Jewel, Erik Knutzen, Joice Walton. (Appeal fee of \$505 receipt number 0971-13364759 paid.) <i>AND REPRESENTATION STATEMENT</i> (Mackey, Aaron) (Filed on 5/20/2019) (Entered: 05/20/2019)
05/21/2019	<u>466</u>	USCA Case Number 19-16066 Ninth Circuit for <u>465</u> Notice of Appeal, filed by Gregory Hicks, Young Boon Hicks, Tash Hepting, Erik Knutzen, Carolyn Jewel, Joice Walton. (cpS, COURT STAFF) (Filed on 5/21/2019) (Entered: 05/22/2019)
06/13/2019	<u>467</u>	Transcript Designation Form for proceedings held on 7/15/09; 9/17/09; 12/14/12; 9/27/13; 3/19/14; 6/6/14; 12/19/14; 5/19/17; 3/29/19 before Judge VRW, JSW, re <u>465</u> Notice of Appeal, Transcript due by 6/19/2019. (Mackey, Aaron) (Filed on 6/13/2019) (Entered: 06/13/2019)