

1 STUART F. DELERY
 Principal Deputy Assistant Attorney General
 2 MELINDA HAAG
 United States Attorney
 3 ELIZABETH J. SHAPIRO
 Deputy Branch Director
 4 STEVEN Y. BRESSLER D.C. Bar No. 482492
 Senior Counsel
 5 United States Department of Justice
 6 Civil Division, Federal Programs Branch

7 P.O. Box 883
 8 Washington, D.C. 20044
 Telephone: (202) 305-0167
 9 Facsimile: (202) 616-8470
 10 Email: Steven.Bressler@usdoj.gov

11 Attorneys for the United States Department of Justice

12 **UNITED STATES DISTRICT COURT**
 13 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
 14 **OAKLAND DIVISION**

17	ELECTRONIC FRONTIER FOUNDATION,)	Case No. 4:11-cv-05221-YGR
)	
18	Plaintiff,)	NOTICE AND REQUEST THAT THE
	v.)	COURT HOLD THE CROSS-MOTIONS
19)	FOR SUMMARY JUDGMENT IN
20	UNITED STATES DEPARTMENT OF)	ABEYANCE
	JUSTICE,)	
21)	
	Defendant.)	
22)	
23)	

24 On June 6, 2013, in response to the unauthorized disclosure of a top secret U.S. court
 25 document, the Director of National Intelligence (“DNI”) directed that certain information related
 26 to the “business records” provision of the Foreign Intelligence Surveillance Act be declassified
 27 and immediately released to the public. *See* DNI Statement on Recent Unauthorized Disclosures
 28

1 of Classified Information, *available at* [http://www.odni.gov/index.php/newsroom/press-](http://www.odni.gov/index.php/newsroom/press-releases/191-press-releases-2013/868-dni-statement-on-recent-unauthorized-disclosures-of-classified-information)
2 [releases/191-press-releases-2013/868-dni-statement-on-recent-unauthorized-disclosures-of-](http://www.odni.gov/index.php/newsroom/press-releases/191-press-releases-2013/868-dni-statement-on-recent-unauthorized-disclosures-of-classified-information)
3 [classified-information](http://www.odni.gov/index.php/newsroom/press-releases/191-press-releases-2013/868-dni-statement-on-recent-unauthorized-disclosures-of-classified-information). This case involves plaintiff's request pursuant to the Freedom of
4 Information Act for documents concerning that same provision of the Foreign Intelligence
5 Surveillance Act.

6
7 In light of the DNI's decision to declassify certain previously classified information,
8 defendant requires time to consider what effect, if any, the DNI's decision has on the
9 classification of information in some of the withheld documents still at issue in this case, and to
10 consult with plaintiff. Therefore, defendant respectfully requests that the Court hold the Cross-
11 Motions for Summary Judgment in abeyance at this time. Defendant proposes that the parties
12 file a status report with the Court within 30 days.

13
14 Dated: June 7, 2013

Respectfully submitted,

15
16 STUART F. DELERY
Principal Deputy Assistant Attorney General

17
18 MELINDA HAAG
United States Attorney

19
20 ELIZABETH J. SHAPIRO
Deputy Director, Federal Programs Branch

21 /s/ Steven Y. Bressler
22 STEVEN Y. BRESSLER D.C. Bar #482492
23 Senior Counsel
24 U.S. Department of Justice
25 Civil Division, Federal Programs Branch
26 P.O. Box 883
27 Washington, D.C. 20044
28 Telephone: (202) 305-0167
Facsimile: (202) 616-8470
Steven.Bressler@usdoj.gov

Counsel for the U.S. Department of Justice