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10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12 SAN FRANCISCO DIVISION  
13

14 TASH HEPTING, GREGORY HICKS,  
15 CAROLYN JEWEL and ERIK KNUTZEN on  
16 Behalf of Themselves and All Others Similarly  
17 Situated,  
18

19 Plaintiffs,

20 vs.

21 AT&T CORP., AT&T INC. and  
22 DOES 1-20, inclusive,  
23

24 Defendants.  
25

No. C-06-00672-VRW

DATE:

TIME:

CTRM: 6, 17th Floor

JUDGE: Hon. Vaughn R. Walker,  
Chief U.S. Dist. Judge

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29 **NOTICE OF CONSENT MOTION FOR LEAVE TO FILE BRIEF OF AMICI CURIAE**  
30 **CENTER FOR CONSTITUTIONAL RIGHTS AND**  
31 **THE AMERICAN CIVIL LIBERTIES UNION**  
32 **PURSUANT TO STIPULATION OF THE PARTIES [CIVIL L.R. 7-11]**  
33  
34

35 Shayana Kadidal  
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42 J. Ashlee Albies  
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44 P.O. Box 42604  
45 Portland, OR 97242

1 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD

2 PLEASE TAKE NOTICE that on \_\_\_\_\_, 2006, at \_\_\_\_\_.m., in Courtroom 6 of  
3 the above-captioned Court, located at 450 Golden Gate Ave., 17th Floor, San Francisco,  
4 California, the undersigned proposed Amici Curiae will and hereby do move the Court for leave  
5 to appear and file the accompanying proposed *Brief of Amici Curiae* supporting unsealing of the  
6 documents provided to plaintiffs' counsel the Electronic Frontier Foundation by former AT&T  
7 employee Mark Klein and filed with the court under seal pursuant to Local Rule 79-5.

8 Proposed amici are the Center for Constitutional Rights and the American Civil Liberties  
9 Union, both national non-profit legal and educational organizations, as described in the  
10 Statements of Interest in the attached proposed brief. On January 17 of this year, amici brought  
11 separate lawsuits challenging the legality of the NSA Program and seeking injunctive relief  
12 against it. *See Center for Constitutional Rights, et al. v. Bush, et al.*, 06-cv-313 (GEL)  
13 (S.D.N.Y.); *American Civil Liberties Union, et al. v. National Security Agency/Central Security*  
14 *Service, et al.*, No. 2:06-CV-10204 (ADT) (E.D. Mich.).

15 Proposed amici believe the attached brief of amici curiae is desirable in this case, and the  
16 matters asserted are relevant to the disposition of this case, because the attached brief sets forth  
17 legal arguments based on the public interest in openness of court proceedings and filings, and  
18 also sets forth the specific interests of the American public in the presumptive content of the  
19 sealed documents, which are perspectives distinct from those of the litigants.

20 Proposed amici have sought and received the consent of counsel for plaintiffs and  
21 defendants to the filing of this brief, pursuant to the conditions indicated in the attached  
22 stipulation of the parties.  
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1 For the above stated reasons, amici respectfully request that the Court grant this motion  
2 and accept the attached brief of amici curiae.

3  
4 Respectfully submitted,

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7 \_\_\_\_\_  
8 /s/

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41 April 24, 2006

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22 AT&T CORP., AT&T INC. and  
23 DOES 1-20, inclusive,  
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25 Defendants.  
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No. C-06-00672-VRW

29 **[PROPOSED] ORDER REGARDING LEAVE TO FILE BRIEF OF AMICI CURIAE**  
30 **CENTER FOR CONSTITUTIONAL RIGHTS AND**  
31 **THE AMERICAN CIVIL LIBERTIES UNION**  
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1 Pursuant to Civil Local Rule 7-11, the stipulation of the parties, and good cause  
2 appearing, it is HEREBY ORDERED as follows:

3 Proposed amici the Center for Constitutional Rights and the American Civil Liberties  
4 Union are granted leave to appear as amici curiae and the Court will accept for filing their *Brief*  
5 *of Amici Curiae* of April 24, 2006, supporting unsealing of the documents provided to plaintiffs'  
6 counsel the Electronic Frontier Foundation by former AT&T employee Mark Klein and filed  
7 with the court under seal pursuant to Local Rule 79-5.

8 \* \* \*

9 **ORDER**

10 IT IS SO ORDERED.

11 DATED: \_\_\_\_\_

12 THE HON. VAUGHN R. WALKER  
13 CHIEF UNITED STATES DISTRICT JUDGE

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24 inclusive,

25 Defendants.  
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No. C-06-0672-VRW

**STIPULATION RE:  
PARTICIPATION OF AMICI  
CURIAE IN CIVIL LOCAL  
RULE 79-5 PROCEEDINGS; AND  
[PROPOSED] ORDER**

Courtroom: 6, 17th Floor  
Judge: Hon. Vaughn R. Walker

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**RECITALS**

A. Would-be Amici Curiae (“Amici”) have expressed an interest in filing amicus briefs on the issue of whether documents lodged with this Court pursuant to Civil Local Rule 79-5 should be filed under seal or not (the “Sealing Issue”).

B. The parties do not object to the participation of qualified Amici in briefing on the Sealing Issue provided that (1) their participation is on the terms and conditions set forth in this stipulation and (2) such terms and conditions are acceptable to the Court.

**STIPULATION**

Plaintiffs TASH HEPTING, GREGORY HICKS, CAROLYN JEWEL and ERIK KNUTZEN (collectively, “Plaintiffs”), through their attorneys of record, and Defendant AT&T CORP. and specially appearing defendant AT&T INC. (collectively, “Defendants”), through their attorneys of record, hereby stipulate that they have no objection to the participation of qualified Amici in briefing on the Sealing Issue on the following terms:

- 1. Amici shall file and serve their briefs no later than Monday, April 24, 2006. Service by Amici of their briefs on the parties shall be made and completed the same day by e-service (via ECF), hand service, emailing of .pdfs or fax.
- 2. The parties will e-file and e-serve their responses (if any) to Amici supporting the other side by Friday, April 28.
- 3. This stipulation applies only to the Sealing Issue.

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