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11 *Attorneys for Defendants*

12 **UNITED STATES DISTRICT COURT**
 13 **NORTHERN DISTRICT OF CALIFORNIA**
 14 **SAN FRANCISCO DIVISION**

16 IN RE NATIONAL SECURITY AGENCY)
 TELECOMMUNICATIONS RECORDS)
 17 LITIGATION)
 18 _____)
 19 This Document Relates Only To:)
 20 *Center for Constitutional Rights v. Bush,*)
 (Case No. 07-1115))
 21 _____)
 22 _____)
 23 _____)

No. M:06-cv-01791-VRW
DEFENDANTS' NOTICE OF PRIOR
LODGING OF CLASSIFIED
DECLARATION OF MAJ. GEN.
RICHARD J. QUIRK FOR *IN CAMERA,*
***EX PARTE* REVIEW**

Judge: Hon. Vaughn R. Walker
 Date: August 9, 2007
 Time: 2 p.m.
 Courtroom: 6, 17th Floor

28 **Defendants' Notice of Lodging**
Center for Constitutional Rights v. Bush (07-CV-1115 VRW)
 M:06-CV-1791-VRW

1 Defendants, through their undersigned counsel, hereby provide notice of the prior
2 submission, for the Court's *in camera, ex parte* consideration, of the following materials in
3 support of the United States' assertion of the military and state secrets privilege and motion to
4 dismiss or, in the alternative, for summary judgment in this action:

5 The *In Camera, Ex Parte* Classified Declaration of Major General Richard J. Quirk,
6 Signals Intelligence Director, National Security Agency.¹

7 This classified declaration was lodged in this action on May 26, 2006, and a notice of
8 lodging was filed at that time on the public docket in the Southern District of New York, where
9 the case was pending. Because that notice of lodging may not have been transferred to this
10 Court when the case was transferred (the notice is missing from this Court's electronic docket),
11 we are providing the notice again in the interest of clarity. The declaration is available for the
12 Court's *in camera, ex parte* review upon the Court's request.

13 DATED: June 8, 2007

Respectfully Submitted,

14 PETER D. KEISLER
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15 CARL J. NICHOLS
Deputy Assistant Attorney General

16 DOUGLAS N. LETTER
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17 JOSEPH H. HUNT
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19
20 /s/ Anthony J. Coppolino
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23 /s/ Andrew H. Tannenbaum
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27 ¹ An unclassified version of this document has been filed on the public record.

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