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

16)	No. M:06-CV-01791-VRW
17	IN RE NATIONAL SECURITY AGENCY)	
18	TELECOMMUNICATIONS RECORDS)	SUBMISSION OF PROPOSED ORDER
19	LITIGATION)	
20	<u>This Document Relates To:</u>)	Courtroom: 6, 17 th Floor
21)	Judge: Hon. Vaughn R. Walker
22	<i>Hepting, et al. v. AT&T Corp., et al.,</i>)	
23	No. C 06-0672-VRW)	
24)	

21 The United States, through its undersigned counsel, hereby submits the attached
 22 proposed Order listing the materials submitted to the Court *ex parte, in camera*, in the *Hepting*
 23 action and providing for their continued availability to the Court in the *Hepting* action and to
 24 judges for the Court of Appeals assigned to an appeal in the *Hepting* action. This proposed
 25 Order has been agreed upon as to form by counsel for the Plaintiffs and the Defendants in the
 26

1 *Hepting* action. *See* Declaration of Anthony J. Coppolino (attached to proposed Order)

2 Respectfully Submitted,

3 PETER D. KEISLER
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Deputy Assistant Attorney General

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15) **No. M:06-CV-01791-VRW**
 16 IN RE NATIONAL SECURITY AGENCY)
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) Courtroom: 6, 17th Floor
 18 This Document Relates To:) Judge: Hon. Vaughn R. Walker
)
 19 *Hepting, et al. v. AT&T Corp., et al.,*)
 No. C 06 0672 VRW)
 20)

21 The United States has lodged with the Court in the *Hepting* action (C 06-672 N.D. Cal.)
 22 (VRW) the following classified materials for the Court's *in camera, ex parte* consideration:
 23 Lodged on May 13, 2006:

- 24 (1) *In Camera, Ex Parte* Memorandum of the United States in Support of the Military and State
 Secrets Privilege and Motion to Dismiss or, in the Alternative, for Summary Judgment.
 25 (2) *In Camera, Ex Parte* Declaration of John D. Negroponte, Director of National Intelligence.
 26

(3) *In Camera, Ex Parte* Declaration of Lieutenant General Keith B. Alexander, Director, National Security Agency.

See United States' Notice of Lodging *Ex Parte, In Camera* Material (Docket No. 125) (5/13/06)

Lodged on June 16, 2006:

(1) *In Camera, Ex Parte* Reply in Support of the United States' Assertion of the Military and State Secrets Privilege and Motion to Dismiss or, in the Alternative, for Summary Judgment.

(2) *In Camera, Ex Parte* Supplemental Declaration of John D. Negroponte, Director of National Intelligence.

(3) *In Camera, Ex Parte* Supplemental Declaration of William B. Black, Acting Director, National Security Agency.

See United States' Notice of Lodging *Ex Parte, In Camera* Material (Docket No. 246) (6/16/06).

Lodged on July 31, 2006:

In Camera, Ex Parte Response to the Court's Order that the parties provide their "views regarding the means by which the court should review any future classified submission."

See United States' Notice of Lodging *Ex Parte, In Camera* Material (Docket No. 316) (7/31/06).

* * *

It is hereby ORDERED that the foregoing documents are part of the record in the *Hepting* action and, during the pendency of that action, shall be preserved in the custody of the United States and stored in a secure location in Washington, D.C. by the Litigation Security Section of the Department of Justice; and it is

FURTHER ORDERED THAT, during the pendency of the *Hepting* action, the foregoing documents will be made available to this Court as necessary for any future consideration or use in *Hepting*, and will also be made available to the judges of the United States Court of Appeals for the Ninth Circuit assigned to an appeal in the *Hepting* action as necessary for their appellate review.

SO ORDERED:

Dated: _____

HON. VAUGHN R. WALKER
United States District Chief Judge

DECLARATION OF ANTHONY J. COPPOLINO

I, ANTHONY J. COPPOLINO, counsel of record for the United States in the *Hepting* action, hereby declare that I have obtained approval as to form for the foregoing proposed Order from the other signatories listed below (counsel in the *Hepting* action). In addition, pursuant to General Order 45, §X.B, I have obtained concurrence to file this document from the other signatories listed below. I declare under penalty of perjury that the foregoing is true and correct.

Executed on December 20, 2006, at Washington, D.C.

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