

1 MICHAEL F. HERTZ
Deputy Assistant Attorney General
2 JOSEPH H. HUNT
Director, Federal Programs Branch
3 VINCENT M. GARVEY
Deputy Branch Director
4 ANTHONY J. COPPOLINO
Special Litigation Counsel
5 PAUL E. AHERN
Trial Attorney
6 U.S. Department of Justice
Civil Division, Federal Programs Branch
7 20 Massachusetts Avenue, N.W. Room 6102
Washington, DC 20001
8 Tel: (202) 514-4782
Fax: (202) 616-8460
9 paul.ahern@usdoj.gov

MARK E. GUZZI
271 Providence Oaks Circle
Alpharetta, GA 30004
Tel: (770) 754-4959

Proceeding Pro Se

10 *Attorneys for the Government Defendants*

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12
13 **UNITED STATES DISTRICT COURT**
14 **NORTHERN DISTRICT OF CALIFORNIA**
15 **SAN FRANCISCO DIVISION**
16

17
18 IN RE NATIONAL SECURITY AGENCY)
TELECOMMUNICATIONS RECORDS)
19 LITIGATION)

No. M:06-cv-01791-VRW
STATUS REPORT AND
STIPULATION TO SET
SUPPLEMENTAL
BRIEFING SCHEDULE AND
HEARING DATE

20 _____)
21 This Document Relates Solely To:)

Date: April 8, 2010
Time: 10:00 a.m.
Courtroom: 6, 17th Floor
Chief Judge Vaughn R. Walker

22 *Guzzi v. Bush et al.*)
(Case No. 06-cv-06225-VRW))
23 _____)

1 Pursuant to the Court's Order of December 18, 2009 (Dkt. 22 in 06-cv-06225-VRW) and
2 Local Rule 6-1(b), the parties hereby submit this joint status report. The parties stipulate and
3 agree to a revised hearing date in connection with the Government Defendants' Motion to
4 Dismiss and to a briefing schedule for supplemental submissions related to that motion.

5 RECITALS

6 1. On January 20, 2006, plaintiff filed the instant action before the U.S. District
7 Court for the Northern District of Georgia, challenging the President's acknowledged
8 authorization of certain surveillance activities involving members of al-Qaeda or its affiliates,
9 known as the Terrorist Surveillance Program or "TSP." (Dkt. 1 in 06-cv-0136-JEC (N.D. Ga.)).
10 On July 18, 2006, the Government Defendants moved to dismiss the complaint. (Dkt. 8 in 06-
11 cv-0136-JEC (N.D. Ga.)). Plaintiff responded to this motion on August 14, 2006 (Dkt. 10 in 06-
12 cv-0136-JEC (N.D. Ga.)), and the Government Defendants replied on August 23, 2006. (Dkt. 13
13 in 06-cv-0136-JEC (N.D. Ga.)).

14 2. On October 3, 2006, plaintiff's case was transferred to this Court as part of the
15 multi-district litigation raising similar challenges, *In re National Security Agency*
16 *Telecommunications Records Litigation*, 06-cv-01791-VRW. (Dkt. 1 in 06-cv-06225-VRW).

17 3. On December 18, 2009, the Court ordered the parties to submit a joint report
18 updating the status of this case by December 31, 2009. (Dkt. 22 in 06-cv-06225-VRW). The
19 parties have conferred and agree that the Government Defendants' Motion to Dismiss remains
20 pending before this Court. Recognizing the potential for intervening events and authorities since
21 the conclusion of briefing in 2006, the parties have stipulated and agreed to, and seek the Court's
22 approval of, a schedule for supplemental briefing on the Government Defendants' Motion to
23 Dismiss before the Court hears that motion. Accordingly, the parties propose a schedule under
24 which the Government Defendants' supplemental memorandum in support of their Motion to
25 Dismiss would be due no later than February 1, 2010; plaintiff's supplemental memorandum in
26 opposition would be due no later than March 1, 2010; and the Government Defendants'
27 supplemental reply would be due no later than March 10, 2010. The hearing on the Government
28 Defendants' Motion to Dismiss would be scheduled for April 8, 2010 at 10:00 a.m.

DECLARATION PURSUANT TO GENERAL ORDER 45, § X.B

I, PAUL E. AHERN, hereby declare pursuant to General Order 45, § X.B, that I have obtained the concurrence in the filing of this document from each of the other signatories listed below.

I declare under penalty of perjury that the foregoing declaration is true and correct.

Executed on December 31, 2009, in the City of Washington, District of Columbia.

MICHAEL F. HERTZ
Deputy Assistant Attorney General
JOSEPH H. HUNT
Director, Federal Programs Branch
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20 Massachusetts Avenue, N.W. Room 6102
Washington, DC 20001
Tel: (202) 514-4782
Fax: (202) 616-8460
paul.ahern@usdoj.gov

By: s/ Paul E. Ahern
Paul E. Ahern

Attorneys for the Government Defendants

MARK E. GUZZI
271 Providence Oaks Circle
Alpharetta, GA 30004
Tel: (770) 754-4959

By: s/ Mark E. Guzzi per G.O. 45
Mark E. Guzzi

Proceeding Pro Se