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

13 In re:
14 NATIONAL SECURITY AGENCY
15 TELECOMMUNICATIONS RECORDS
16 LITIGATION

MDL Dkt. No. 06-1791-VRW

**STIPULATION AND ~~PROPOSED~~
ORDER REGARDING NEW CASE AND
NOTICE OF DISMISSAL OF
DEFENDANT CELLCO PARTNERSHIP**

17 This Document Relates To:
18 *McMurray v. Verizon Communications,*
19 N.D. Cal No. C 09-0131 VRW

[Civil L.R. 6-2, 7-1(5), 7-12]

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

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1 F. The Government Defendants were served with the *McMurray* complaint on
2 November 14, 2008. Accordingly, the deadline for the Government Defendants to answer
3 or otherwise respond to it is January 12, 2009. *See* Fed. R. Civ. P. 12(a)(2).

4 G. The Verizon and AT&T Defendants informally agreed with the *McMurray*
5 Plaintiffs to an extension of those defendants' respective deadlines to respond to the
6 complaint while they were negotiating this Stipulation.

7 H. The parties have not previously requested an adjournment or an extension of
8 time to respond to the *McMurray* complaint from any court.

9 **Disposition of *McMurray* Before This Court**

10 I. The parties have not been able to reach complete agreement regarding the
11 appropriate posture of the *McMurray* complaint in the MDL, and each side reserves its right
12 to bring the matter to the Court's attention.

13 J. Plaintiffs are agreeable to staying the obligations of all of the Defendants to
14 answer or otherwise respond to the *McMurray* complaint for 65 days from the date of this
15 stipulation in the interim, that is, until March 19, 2009.

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STIPULATION

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Plaintiffs and Defendants hereby stipulate as follows:

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20 1. The Plaintiffs, the Verizon Defendants, the AT&T Defendants, and the
21 Government Defendants hereby stipulate that no Defendant need answer or otherwise
22 respond to the complaint in this action until March 19, 2009.

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25 2. By entering into this Stipulation, neither Plaintiffs nor Defendants waive any
26 procedural or substantive defenses, rights or objections, including, but not limited to, the
27 right to challenge personal jurisdiction over any particular Defendant.

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DISMISSAL

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Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i), Plaintiffs hereby dismiss

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1 Defendant Cellco Partnership from this action without prejudice.

2 Dated: January 13, 2009.

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~~[PROPOSED]~~ ORDER

Pursuant to the foregoing Stipulation and Notice of Dismissal, and good cause appearing, IT IS HEREBY ORDERED that:

No party need answer or otherwise respond to the complaint in *McMurray v. Verizon Communications*, N.D. Cal No. C 09-0131 VRW, until March 19, 2009.

IT IS HEREBY FURTHER ORDERED that Defendant Cellco Partnership is dismissed from this action without prejudice.

PURSUANT TO STIPULATION AND NOTICE, IT IS SO ORDERED.

Dated: Jan 21, 2009.

