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11 *Attorneys for Federal Defendants Sued in their Official Capacities*
and the Federal Intervenor-Defendants (United States of America,
12 *National Security Agency, President George W. Bush)*

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

16 IN RE NATIONAL SECURITY AGENCY)
TELECOMMUNICATIONS RECORDS)
17 LITIGATION)

No. M:06-cv-01791-VRW

**UNITED STATES' NOTICE OF
DECISION BY JUDICIAL PANEL**

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

18 _____)
19 This Document Relates To:)

20 ALL CASES)
21 _____)

22 The United States of America hereby provides notice to the parties and the Court that, on
23 February 15, 2007, the Judicial Panel on Multidistrict Litigation ("Panel") issued an order
24 transferring six additional cases to the Northern District of California for coordinated pretrial
25 proceedings.¹ February 15, 2007 Transfer Order, *In re National Security Litigation*, MDL-1791

26 _____
27 ¹ The cases are *United States v. Rabner*, 06-cv-2683 (D.N.J.); *United States v. Gaw*, 06-
28 cv-1132 (E.D. Mo.); *Clayton/Gaw v. AT&T*, 06-cv-4177 (W.D. Mo.); *United States v. Adams*,
06-cv-0097 (D. Me.); *United States v. Palermينو*, 06-cv-1405 (D. Ct.); and *United States v. Volz*,
06-cv-188 (D. Vt.). The United States notified the respective courts and parties of the transfer.

1 (J.P.M.L.), attached as Exhibit A. In these cases, the United States challenges the authority of
2 state officials to seek information from telecommunications carriers about alleged foreign
3 intelligence activities of the United States on the grounds, *inter alia*, that such state demands are
4 precluded by the Constitution and preempted by federal law. The Panel found “these six actions
5 involve common questions of fact with the actions in this litigation previously centralized in the
6 Northern District of California, and that transfer of the six actions to the Northern District of
7 California for inclusion in the coordinated or consolidated pretrial proceedings in that district
8 will serve the convenience of the parties and witnesses.” *Id.* at 2.

9 Upon the transfer of these cases, the United States respectfully requests a status
10 conference to determine the proper course for their expeditious resolution, including the
11 possibility of consolidated briefing and oral argument. Unlike the other cases consolidated in
12 these proceedings, the United States does not believe that these six cases should be stayed
13 pending the appeal of *Hepting v. AT&T*, 439 F. Supp. 2d 974 (N.D. Cal. 2006), *appeal docketed*
14 Nos. 06-80109, 80110 (9th Cir.).

15 DATED: February 16, 2007

Respectfully Submitted,

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26 By: /s/ Alexander K. Haas
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