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23 UNITED STATES DISTRICT COURT
24 NORTHERN DISTRICT OF CALIFORNIA
25 SAN FRANCISCO DIVISION

26 IN RE:

27 NATIONAL SECURITY AGENCY
28 TELECOMMUNICATIONS RECORDS
LITIGATION

This Document Relates To:

All Actions Against the MCI and Verizon
Defendants, except for *United States v.*
Rabner, 07-1324; *United States v. Adams*, 07-
1323; *United States v. Palermino*, 07-1326;
and *United States v. Volz*, 07-1396

MDL NO. 06-1791 VRW (Nos. 06-6434
VRW, 06-5066 VRW, 06-6313 VRW, 06-6570
VRW, 06-5576 VRW, 06-6254 VRW, 06-6222
VRW, 06-6224 VRW, 06-6387 VRW, 06-5267
VRW, 06-5343 VRW, 06-5341 VRW, 06-5485
VRW, 06-5064 VRW, 06-5063 VRW, 07-2029
VRW, 06-6435 VRW, 06-3574 VRW, 06-6388
VRW, 06-4221 VRW, 07-2538 VRW)

**VERIZON'S OPPOSITION TO
PLAINTIFFS' MOTION FOR ORDER TO
PRESERVE EVIDENCE**

Hearing Date: November 15, 2007
Time: 2:00 p.m.
Courtroom: 6 (17th floor)
Judge: Hon. Vaughn R. Walker

1 The Verizon and MCI Defendants¹ (hereinafter “the Verizon Defendants”) respectfully
2 submit this brief in opposition to Plaintiffs’ motion for an order to preserve evidence (Dkt. 373).
3 For the reasons explained in the United States’ opposition brief, Plaintiffs’ motion should be
4 denied.

5
6 The Verizon Defendants recognize the existence of legal obligations with respect to the
7 preservation of potentially discoverable evidence. If and to the extent any evidence potentially
8 discoverable in this litigation exists, the Verizon Defendants agree that they are obligated to take
9 reasonable steps to preserve any such evidence. The government’s assertion of the state secrets
10 privilege, however, precludes the Verizon Defendants from discussing with Plaintiffs how any
11 preservation obligations would apply in the particular context of this case.

12
13 Nothing in this brief should be construed as an admission or denial that any evidence
14 potentially relevant to Plaintiffs’ allegations exists.

15 Dated: October 25, 2007

16 WILMER CUTLER PICKERING HALE AND
17 DORR LLP

18 MUNGER, TOLLES & OLSON LLP

19 Randal S. Milch

20 By: /s/ John A. Rogovin

21 _____
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22 Attorneys for Verizon Communications Inc.,
23 Verizon Northwest Inc., Verizon Florida Inc.,
24 Verizon Maryland Inc., Verizon Global Networks
25 Inc., MCI, LLC, and MCI Communications
Services, Inc.

26 _____
27 ¹ Verizon Communications Inc. and MCI, LLC continue to contest that they are subject to
28 personal jurisdiction in the cases at issue in their motion to dismiss for lack of personal
jurisdiction (Dkt. 268) and intend to re-notice that motion at an appropriate time in accordance
with the Court’s September 27, 2007 order (Dkt. 379).