

UNITED STATES
FOREIGN INTELLIGENCE SURVEILLANCE COURT
WASHINGTON, D.C.

U.S. DISTRICT COURT
FOREIGN INTELLIGENCE SURVEILLANCE COURT
2014 MAR 12 PM 4:30
LEAH M. HALL
CLERK OF COURT

IN RE APPLICATION OF THE FEDERAL
BUREAU OF INVESTIGATION FOR AN
ORDER REQUIRING THE PRODUCTION
OF TANGIBLE THINGS

Docket No. BR 14-01

NOTICE OF PENDENCY OF OTHER ACTION OR PROCEEDING

Movants submit this Notice of Pendency of Other Action or Proceeding to give this Court notice of a recent development in *Carolyn Jewel, et al., v. National Security Agency, et al.*, No. 08-cv-4373-JSW (N.D. Cal.) and *First Unitarian Church of Los Angeles, et al. v. National Security Agency, et al.*, Case No. 13-cv-3287-JSW (N.D. Cal.).

Movants respectfully request that the Court take notice of the Northern District of California's March 10, 2014 Order Granting Temporary Restraining Order, attached hereto as **Exhibit A**. Movants made an *ex parte* motion before that Court seeking an order temporarily restraining the government from destroying potential evidence, including the telephone metadata ("call detail") records, in violation of the existing evidence preservation order in *Jewel v. NSA*, No. 08-cv-4373-JSW (N.D. Cal.) and the government's evidence preservation obligations in *First Unitarian Church of Los Angeles v. NSA*, No. 13-cv-3287-JSW (N.D. Cal.). The subject of evidence retention was addressed in this Court's order of March 7, 2014. The District Court granted the motion and issued a temporary restraining order. The Court further ordered full briefing by all parties with a hearing to decide the matter on March 19, 2014.

DATE: March 11, 2014

Respectfully submitted,



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that copies of the foregoing motion have been served on the following counsel on this 11th day of March, 2014, in the manner indicated:

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Dated: March 11, 2014



KURT OPSAHL

Exhibit A

Exhibit A

United States District Court
For the Northern District of California

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IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

CAROLYN JEWEL, ET AL.,

Plaintiffs,

v.

No. C 08-04373 JSW
No. C 13-03287 JSW

NATIONAL SECURITY AGENCY, ET AL.,

Defendants.

**ORDER GRANTING
TEMPORARY RESTRAINING
ORDER**

FIRST UNITARIAN CHURCH OF LOS
ANGELES, ET AL.,

Plaintiffs,

v.

NATIONAL SECURITY AGENCY, ET AL.,

Defendants.

This matter is now before the Court on Plaintiffs' *ex parte* motion for a temporary restraining order requesting immediate relief. The Court **HEREBY ORDERS** that its prior evidence preservation orders in these related matters shall be enforced. It is undisputed that the Court would be unable to afford effective relief once the records are destroyed, and therefore the harm to Plaintiffs would be irreparable. A temporary restraining order is necessary and appropriate in order to allow the Court to decide whether the evidence should be preserved with the benefit of full briefing and participation by all parties.

1 Accordingly, it is **HEREBY ORDERED** that Defendants, their officers, agents, servants.
2 employees, and attorneys, and all those in active concert or participation with them are
3 prohibited, enjoined, and restrained from destroying any potential evidence relevant to the
4 claims at issue in this action, including but not limited to prohibiting the destruction of any
5 telephone metadata or "call detail" records, pending further order of the Court. The Court
6 determines that there is no security necessary under the circumstances.

7 The Court sets the following briefing and hearing schedule, all in PST, in this matter:

8 Plaintiffs' opening brief shall be filed no later than March 13, 2014 at 2:00 p.m.

9 Defendants' opposition brief shall be filed no later than March 17, 2014 at 11:00 a.m.

10 Plaintiffs' reply brief shall be filed no later than March 18, 2014 at 2:00 p.m.

11 The hearing on this issue shall be set for March 19, 2014 at 2:00 p.m.

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13 **IT IS SO ORDERED.**

14 Dated: March 10, 2014



JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE

United States District Court
For the Northern District of California