

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

U.S. FOREIGN
INTELLIGENCE
SURVEILLANCE COURT
2014 MAR 13 PM 12:18
LEEANN FLYNN 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

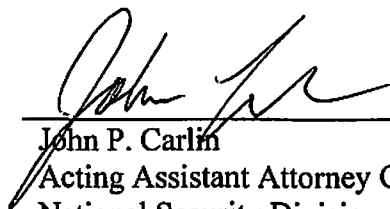
**RESPONSE OF THE UNITED STATES OF AMERICA TO THE MOTION OF
PLAINTIFFS IN *JEWEL V. NSA* AND *FIRST UNITARIAN CHURCH V. NSA*, BOTH
PENDING IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN
DISTRICT OF CALIFORNIA, FOR LEAVE TO CORRECT THE RECORD**

Movants, plaintiffs in litigation pending in the United States District Court for the Northern District of California, *Jewel v. NSA*, No. C-08-4373-JSW (“*Jewel*”), and *First Unitarian Church of Los Angeles v. NSA*, No. 3:13-cv-03287-JSW, have filed a Motion (“*Mot.*”) in this Court seeking leave to submit two preservation orders and other materials filed in *Jewel* and a companion case, *Shubert v. Obama*, No. C-07-0693-JSW (“*Shubert*”) (also pending in the Northern District of California). The United States does not object to Movants’ introduction of these materials into the record of this proceeding. However, as Movants acknowledge, *Mot.* at 3, and as this Court has recognized, issues regarding the Government’s compliance with “prior

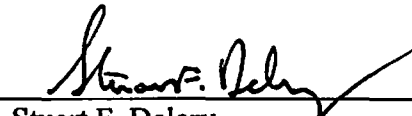
preservation orders issued by the Northern District of California” are “a matter for the District Court to resolve.” March 12, 2014 Opinion and Order at 4 n.3.¹

Dated: March 12, 2014

Respectfully submitted,



John P. Carlin
Acting Assistant Attorney General
National Security Division



Stuart F. Delery
Assistant Attorney General
Civil Division

United States Department of Justice

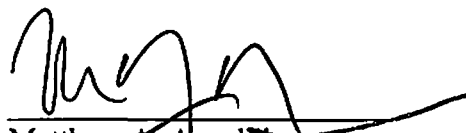
¹ Contrary to their representation, *see* Mot. at 1, Movants did not make a “specific request” that the Government inform this Court about the preservation orders in *Jewel* and *Shubert*. *See* Government’s March 11, 2014 Notice and Motion, Ex. A (attaching Declaration of Cindy Cohn, Ex. E). In any event, as this Court is aware, litigation is now ongoing in the Northern District of California concerning preservation obligations in the *Jewel* and *Shubert* matters.

CERTIFICATE OF SERVICE

I hereby certify that, on March 13, 2014, a true and correct copy of the Response of the United States of America to the Motion of Plaintiffs in *Jewel v. NSA* and *First Unitarian Church v. NSA* for Leave to Correct the Record was submitted, by hand delivery, to a Litigation Security Officer, for delivery to the following counsel of record for Movants:

KURT OPSAHL
Electronic Frontier Foundation
815 Eddy Street
San Francisco, California 94109
Telephone: (415) 436-9333

Counsel for Movants
Plaintiffs in *Jewel v. NSA*, No. 08-cv-4373-JSW
(N.D. Cal.) and *First Unitarian Church v. NSA*,
No. 13-cv-3287-JSW (N.D. Cal.)



Matthew A. Anzaldi
National Security Division
U.S. Department of Justice