

1 ELECTRONIC FRONTIER FOUNDATION
 CINDY COHN (145997)
 2 cindy@eff.org
 LEE TIEN (148216)
 3 tien@eff.org
 KURT OPSAHL (191303)
 4 kurt@eff.org
 KEVIN S. BANKSTON (217026)
 5 bankston@eff.org
 CORYNNE MCSHERRY (221504)
 6 corynne@eff.org
 JAMES S. TYRE (083117)
 7 jstyre@eff.org
 454 Shotwell Street
 8 San Francisco, CA 94110
 Telephone: 415/436-9333
 9 415/436-9993 (fax)

10 Attorneys for Plaintiffs

11 [Additional counsel appear on signature page.]

12
 13
 14
 15
 16
 17
 18
 19
 20
 21
 22
 23
 24
 25
 26
 27
 28

UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

IN RE NATIONAL SECURITY AGENCY)
 TELECOMMUNICATIONS RECORDS)
 LITIGATION, MDL No. 1791)
 This Document Relates To:)
 ALL CASES except AL HARAMAIN v. BUSH)
 07-0109; CENTER FOR CONSTITUTIONAL)
 RIGHTS v. BUSH 07-1115; UNITED STATES)
 V. FARBER, ET AL 07-1324; UNITED)
 STATES V. ADAMS, ET. AL. 07-1323;)
 UNITED STATES V. PALERMINO, ET AL,)
 07-1326; UNITED STATES V. VOLZ, ET AL,)
 07-1396)

MDL Docket No 06-1791 VRW
CLASS ACTION
[PROPOSED] INTERIM ORDER TO PRESERVE EVIDENCE
 Date: October 25, 2007
 Time: 2:00 p.m.
 Courtroom: 6, 17th Floor
 Judge: The Hon. Vaughn R. Walker

1 This matter came on for hearing before the Court on Plaintiffs' motion for an order to
2 preserve evidence. Having given full consideration to all of Plaintiffs' papers, evidence, and the
3 relevant authorities, all of Defendants' responses thereto, and the oral presentations of counsel, and
4 good cause appearing, it is HEREBY ORDERED as follows:

5 1. All parties and interveners as well as their employees, officers, agents, servants,
6 contractors, carriers, bailees, attorneys, or persons in active concert or participation with them must
7 take all necessary actions to prevent the destruction or alteration of what they know, or reasonably
8 should know, will be relevant evidence in this litigation until further Order of this Court, including
9 any evidence the destruction of which would prejudice another party.

10 2. Counsel is under an obligation to exercise reasonable efforts to identify and notify
11 parties and nonparties, including employees and agents of corporate or institutional parties and
12 non-parties, who possess or will possess materials reasonably anticipated to be relevant in this
13 action.

14 3. If the practices of any party involve the destruction, recycling, relocation, or
15 mutation of such materials, the party must either

16 (1) halt such practices;

17 (2) sequester or remove such material from the process; or

18 (3) arrange for the preservation of complete and accurate duplicates or copies of
19 such material, suitable for later discovery if requested.

20 4. A party may apply to the court for further instructions or relief from this Order upon
21 reasonable notice after the Ninth Circuit decision in *Hepting v. AT&T*.

22 5. Each party will, within 10 days after receiving this Order, designate an individual
23 who shall be responsible for ensuring that the party carries out the requirements of this Order.

24 * * *

ORDER

25 IT IS SO ORDERED.

26 DATED: _____

27 _____
THE HONORABLE VAUGHN R. WALKER

28 CHIEF UNITED STATES DISTRICT JUDGE