

FILED

UNITED STATES COURT OF APPEALS

NOV 19 2009

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

In re: NATIONAL SECURITY AGENCY
TELECOMMUNICATIONS RECORDS
LITIGATION,

No. 09-16676

D.C. Nos. 3:06-cv-00672-VRW
M:06-cv-01791-VRW

Northern District of California,
San Francisco

TASH HEPTING; et al.,

Plaintiffs - Appellants,

ORDER

v.

AT&T CORPORATION; et al.,

Defendants - Appellees,

UNITED STATES OF AMERICA,

Defendant-intervenor -
Appellee.

SEAN BASINSKI, on behalf of himself
and all others similarly situated; et al.,

No. 09-16677

D.C. Nos. 3:06-cv-06434-VRW
M-06-cv-01791-VRW

Northern District of California,
San Francisco

Plaintiffs - Appellants,

v.

VERIZON COMMUNICATIONS, INC.;
et al.,

Defendants - Appellees,
UNITED STATES OF AMERICA,
Defendant-intervenor -
Appellee.

RICHARD D. SUCHANEK, III, on behalf
of himself and all others similarly situated;
et al.,
Plaintiffs - Appellants,
v.
SPRINT NEXTEL CORPORATION,
Defendant - Appellee,
UNITED STATES OF AMERICA,
Defendant-intervenor -
Appellee.

No. 09-16679
D.C. Nos. 3:06-cv-06295-VRW
M:06-cv-01791-VRW
Northern District of California,
San Francisco

CHARLES F. BISSITT; et al.,
Plaintiffs - Appellants,
v.
VERIZON COMMUNICATIONS, INC.;
et al.,
Defendants - Appellees.

No. 09-16682
D.C. Nos. 3:06-cv-05066-VRW
M:06-cv-01791-VRW
Northern District of California,
San Francisco

CHRISTOPHER BREADY; et al.,
 Plaintiffs - Appellants,
 v.
 VERIZON MARYLAND, INC.; et al.,
 Defendants - Appellees,
 UNITED STATES OF AMERICA,
 Defendant-intervenor -
 Appellee.

No. 09-16683
 D.C. Nos. 3:06-cv-06313-VRW
 M:06-cv-01791-VRW
 Northern District of California,
 San Francisco

TOM CAMPBELL; et al.,
 Plaintiffs - Appellants,
 v.
 AT&T COMMUNICATIONS OF
 CALIFORNIA, a corporation; et al.,
 Defendants - Appellees,
 UNITED STATES OF AMERICA,
 Defendant-intervenor -
 Appellee.

No. 09-16684
 D.C. Nos. 3:06-cv-03596-VRW
 M:06-cv-01791-VRW
 Northern District of California,
 San Francisco

DENNIS P. RIORDAN; et al.,

Plaintiffs - Appellants,

v.

VERIZON COMMUNICATIONS, INC., a
corporation; et al.,

Defendants - Appellees,

UNITED STATES OF AMERICA,

Defendant-intervenor -
Appellee.

No. 09-16685

D.C. Nos. 3:06-cv-03574-VRW

M:06-cv-01791-VRW

Northern District of California,
San Francisco

GLEN CHULSKY; et al.,

Plaintiffs - Appellants,

v.

CELLCO PARTNERSHIP, DBA Verizon
Wireless; et al.,

Defendants - Appellees,

UNITED STATES OF AMERICA,

Defendant-intervenor -
Appellee.

No. 09-16686

D.C. Nos. 3:06-cv-06570-VRW

M:06-cv-01791-VRW

Northern District of California,
San Francisco

CHARMAINE CROCKETT; et al.,

No. 09-16687

Plaintiffs - Appellants,

v.

VERIZON WIRELESS, (VAW) LLC; et al.,

Defendants - Appellees,

UNITED STATES OF AMERICA,

Defendant-intervenor - Appellee.

D.C. Nos. 3:06-cv-06254-VRW
M:06-cv-01791-VRW
Northern District of California,
San Francisco

ORDER

TRAVIS CROSS; et al.,

Plaintiffs - Appellants,

v.

AT&T COMMUNICATIONS, INC.; et al.,

Defendants - Appellees,

UNITED STATES OF AMERICA,

Defendant-intervenor - Appellee.

No. 09-16688

D.C. Nos. 3:06-cv-06222-VRW
M:06-cv-01791-VRW
Northern District of California,
San Francisco

JOAN DUBOIS; et al.,

Plaintiffs - Appellants,

No. 09-16690

D.C. Nos. 3:06-cv-06387-VRW
M:06-cv-01791-VRW

v.

AT&T CORP.; et al.,

Defendants - Appellees,

UNITED STATES OF AMERICA,

Defendant-intervenor -
Appellee.

Northern District of California,
San Francisco

TRAVIS CROSS; et al.,

Plaintiffs - Appellants,

v.

AT&T COMMUNICATIONS OF
CALIFORNIA, INC.; et al.,

Defendants - Appellees,

UNITED STATES OF AMERICA,

Defendant-intervenor -
Appellee.

No. 09-16691

D.C. Nos. 3:06-cv-06224-VRW
M:06-cv-01791-VRW
Northern District of California,
San Francisco

PAT MAHONEY, individually, and on
behalf of all others similarly situated; et
al.,

Plaintiffs - Appellants,

v.

No. 09-16692

D.C. Nos. 3:06-cv-05065-VRW
M:06-cv-01791-VRW
Northern District of California,
San Francisco

AT&T COMMUNICATIONS, INC.; et al.,

Defendants - Appellees,

UNITED STATES OF AMERICA,

Defendant-intervenor - Appellee.

PAMELA A. MAHONEY, on behalf of herself and all others similarly situated; et al.,

Plaintiffs - Appellants,

v.

VERIZON COMMUNICATIONS, INC.; et al.,

Defendants - Appellees,

UNITED STATES OF AMERICA,

Defendant-intervenor - Appellee.

No. 09-16693

D.C. Nos. 3:06-cv-05064-VRW
M:06-cv-01791-VRW
Northern District of California,
San Francisco

MARK P. SOLOMON, MD, on behalf of himself and all others similarly situated; et al.,

Plaintiffs - Appellants,

No. 09-16694

D.C. Nos. 3:06-cv-06388-VRW
M:06-cv-01791-VRW
Northern District of California,
San Francisco

v.

VERIZON COMMUNICATIONS, INC.;
et al.,

Defendants - Appellees,

UNITED STATES OF AMERICA,

Defendant-intervenor -
Appellee.

RHEA FULLER, on behalf of herself and
all others similarly situated; et al.,

Plaintiffs - Appellants,

v.

VERIZON COMMUNICATIONS, INC.;
et al.,

Defendants - Appellees,

UNITED STATES OF AMERICA,

Defendant-intervenor -
Appellee.

SHELLY D. SOUDER; et al.,

Plaintiffs - Appellants,

v.

No. 09-16696

D.C. Nos. 3:06-cv-05267-VRW
M:06-cv-01791-VRW

Northern District of California,
San Francisco

No. 09-16697

D.C. Nos. 3:06-cv-05067-VRW
M:06-cv-01791-VRW

Northern District of California,

AT&T INC.; et al.,

Defendants - Appellees,

UNITED STATES OF AMERICA,

Defendant-intervenor -
Appellee.

San Francisco

STEVE DOLBERG, on behalf of himself
and all others similarly situated; et al.,

Plaintiffs - Appellants,

v.

AT&T, INC.; et al.,

Defendants - Appellees,

UNITED STATES OF AMERICA,

Defendant-intervenor -
Appellee.

No. 09-16698

D.C. Nos. 3:06-cv-05269-VRW
M:06-cv-01791-VRW
Northern District of California,
San Francisco

THERESA FORTNASH; et al.,

Plaintiffs - Appellants,

v.

AT&T CORP.,

Defendant - Appellee,

No. 09-16700

D.C. Nos. 3:06-cv-06385-VRW
M:06-cv-01791-VRW
Northern District of California,
San Francisco

UNITED STATES OF AMERICA,

Defendant-intervenor -
Appellee.

D. CLIVE HARDY; et al.,

Plaintiffs - Appellants,

v.

AT&T CORPORATION,

Defendant - Appellee,

UNITED STATES OF AMERICA,

Defendant-intervenor -
Appellee.

No. 09-16701

D.C. Nos. 3:06-cv-06924-VRW
M:06-cv-01791-VRW
Northern District of California,
San Francisco

JAMES C. HARRINGTON; et al.,

Plaintiffs - Appellants,

v.

AT&T, INC.; et al.,

Defendants - Appellees.

No. 09-16702

D.C. Nos. 3:06-cv-05452-VRW
M:06-cv-01791-VRW
Northern District of California,
San Francisco

TINA HERRON; et al.,

No. 09-16704

Plaintiffs - Appellants,

v.

VERIZON GLOBAL NETWORKS, INC.;
et al.,

Defendants - Appellees,

UNITED STATES OF AMERICA,

Defendant-intervenor -
Appellee.

D.C. No. 3:06-cv-05343-VRW
Northern District of California,
San Francisco

HOWARD JACOBS, a natural person; et
al.,

Plaintiffs - Appellants,

v.

AT&T CORP., a foreign corporation; et
al.,

Defendants - Appellees,

UNITED STATES OF AMERICA,

Defendant-intervenor -
Appellee.

No. 09-16707

D.C. Nos. 3:07-cv-02538-VRW
M:06-cv-01791-VRW
Northern District of California,
San Francisco

CLAUDIA MINK; et al.,

No. 09-16708

Plaintiffs - Appellants,

v.

AT&T COMMUNICATIONS OF THE
SOUTHWEST, INC., a Delaware
corporation; et al.,

Defendants - Appellees,

UNITED STATES OF AMERICA,

Defendant-intervenor -
Appellee.

D.C. Nos. 3:06-cv-07934-VRW
M:06-cv-01791-VRW
Northern District of California,
San Francisco

RICHARD ROCHE; et al.,

Plaintiffs - Appellants,

v.

AT&T CORP.,

Defendant - Appellee,

UNITED STATES OF AMERICA,

Defendant-intervenor -
Appellee.

No. 09-16709

D.C. Nos. 3:07-cv-01243-VRW
M:06-cv-01791-VRW
Northern District of California,
San Francisco

BENSON B. ROE; et al.,

Plaintiffs - Appellants,

No. 09-16710

D.C. Nos. 3:06-cv-03467-VRW
M:06-cv-01791-VRW

v.

AT&T CORP., a New York corporation; et al.,

Defendants - Appellees,

UNITED STATES OF AMERICA,

Defendant-intervenor - Appellee.

Northern District of California,
San Francisco

ELAINE SPIELFOGEL-LANDIS, on behalf of herself and all others similarly situated; et al.,

Plaintiffs - Appellants,

v.

MCI, LLC, a Delaware limited liability company; et al.,

Defendants - Appellees,

UNITED STATES OF AMERICA,

Defendant-intervenor - Appellee.

No. 09-16712

D.C. Nos. 3:06-cv-04221-VRW
M:06-cv-01791-VRW

Northern District of California,
San Francisco

STUDS TERKEL, (now deceased; et al.,

Plaintiffs - Appellants,

No. 09-16713

D.C. Nos. 3:06-cv-05340-VRW
M:06-cv-01791-VRW

v.

AT&T CORP.; et al.,

Defendants - Appellees.

Northern District of California,
San Francisco

HERBERT WAXMAN, on behalf of
himself and all others similarly situated; et
al.,

Plaintiffs - Appellants,

v.

AT&T CORP.,

Defendant - Appellee,

UNITED STATES OF AMERICA,

Defendant-intervenor -
Appellee.

No. 09-16717

D.C. Nos. 3:06-cv-06294-VRW
M:06-cv-01791-VRW
Northern District of California,
San Francisco

STEVEN LEBOW, Rabbi; et al.,

Plaintiffs - Appellants,

v.

BELL SOUTH CORPORATION; et al.,

Defendants - Appellees.

No. 09-16719

D.C. Nos. 3:07-cv-00464-VRW
M:06-cv-01791-VRW
Northern District of California,
San Francisco

RAY ANDERSON; et al.,

Plaintiffs - Appellants,

v.

VERIZON COMMUNICATIONS, INC.;
et al.,

Defendants - Appellees,

UNITED STATES OF AMERICA,

Defendant-intervenor -
Appellee.

No. 09-16720

D.C. Nos. 3:07-cv-02029-VRW

M:06-cv-01791-VRW

Northern District of California,
San Francisco

JAMES JOLL; et al.,

Plaintiffs - Appellants,

v.

AT&T CORP.; et al.,

Defendants - Appellees,

UNITED STATES OF AMERICA,

Defendant-intervenor -
Appellee.

No. 09-16723

D.C. Nos. 3:06-cv-05485-VRW

M:06-cv-01791-VRW

Northern District of California,
San Francisco

The October 20, 2009 joint motion of all plaintiffs and all defendants to modify the briefing schedule in order to coordinate so that the parties may join in a single brief is construed as a stipulated motion for an extension of time to file consolidated briefs pursuant to Ninth Circuit Rule 28-4, and so construed, is granted.

The additional 1,400 word allowance, pursuant to Ninth Circuit Rule 28-4, is granted to those separately represented parties who choose to file a consolidated brief.

The memo, filed on September 15, 2009 in No. 09-16706, regarding payment of docketing fees only references payment of fees in No. 09-16708 and were filed by appellants Claudia Mink, et al.

Therefore, the docketing fee remains due for No 09-16706.

The court's August 24, 2009 order directed the appellants in No. 09-16706 to pay the docketing fee by September 14, 2009. As of November 18, 2009, the court docket reflects that the appellants in No. 09-16706 has not been paid and no request for appropriate relief has been requested.

Therefore No. 09-16706 is dismissed for lack of prosecution under Ninth Circuit Rule 42-1. A copy of this order shall act as and for the mandate of this court for No. 09-16706 only.

Consolidated Case Nos: 09-16676, 09-16677, 09-16679, 09-16682, 09-16683, 09-16684, 09-16685, 09-16686, 09-16687, 09-16688, 09-16690, 09-16691, 09-16692, 09-16693, 09-16694, 09-16696, 09-16697, 09-16698, 09-16700, 09-16701, 09-16702, 09-16704, 09-16706, 09-16707, 09-16708, 09-16709, 09-16710, 09-16712, 09-16713, 09-13717, 09-16719, 09-16720, & 09-16723

The briefing schedule shall is as follows: all the opening briefs or consolidated opening brief are due December 8, 2009; the answering briefs or consolidated answering brief are due February 10, 2010; and the optional reply briefs or consolidated reply brief are due within 14 days after the service of the consolidated answering brief or the last served answering brief.

Given the extended interval in the briefing schedule provided by this order, any further motion to extend the due date of the opening briefs is strongly disfavored.

Pursuant to the filing of this stipulated motion under Ninth Circuit Rule 28-4, the provisions of Ninth Circuit Rule 31-2.2(a), regarding telephonic extensions requests, shall not apply to these consolidated cases.

For the Court:

MOLLY C. DWYER
Clerk of Court

Grace S. Santos
Deputy Clerk
Ninth Circuit Rule 27-7/Advisory Note to Rule 27
and Ninth Circuit 27-10