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15 **Attorneys for Plaintiffs Al-Haramain Islamic Foundation, Inc., Wendell Belew and Asim
Ghafoor**

16 **IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

17 **IN RE NATIONAL SECURITY) MDL Docket No. 06-1791 VRW
18 AGENCY TELECOMMUNICATIONS)
RECORDS LITIGATION)**
19 **PLAINTIFFS’ NOTICE OF ORDER BY
20 This Document Relates Solely To:) COURT OF APPEALS**

21 *Al-Haramain Islamic Foundation, Inc., et al.*) Chief Judge Vaughn R. Walker
v. Obama, et al. (C07-CV-0109-VRW))

22 **A L - H A R A M A I N I S L A M I C)
FOUNDATION, INC., et al.,)**

23 Plaintiffs,)

24 vs.)

25 **BARACK H. OBAMA, President of the)
United States, et al.,)**

26 Defendants.)
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On November 23, 2009, the Court of Appeals for the Ninth Circuit issued an order granting plaintiffs' Motion To Strike Lodging Of *In Camera, Ex Parte* Declaration Of Director Of National Intelligence. A copy of that order is attached hereto as Exhibit No. 1.

DATED this 23rd day of November, 2009.

/s/ Jon B. Eisenberg
Jon B. Eisenberg, Calif. Bar No. 88278
William N. Hancock, Calif. Bar No. 104501
Steven Goldberg, Ore. Bar No. 75134
Thomas H. Nelson, Oregon Bar No. 78315
Zaha S. Hassan, Calif. Bar No. 184696
J. Ashlee Albies, Ore. Bar No. 05184
Lisa Jaskol, Calif. Bar No. 138769

**Attorneys for Plaintiffs Al-Haramain Islamic
Foundation, Inc., Wendell Belew, and Asim Ghafoor**

1 CERTIFICATE OF SERVICE

2 **RE: In Re National Security Agency Telecommunications Records Litigation**
3 **MDL Docket No. 06-1791 VRW**

4 I am a citizen of the United States and employed in the County of San Francisco, State of
5 California. I am over eighteen (18) years of age and not a party to the above-entitled action. My
6 business address is Eisenberg and Hancock, LLP, 180 Montgomery Street, Suite 2200, San Francisco,
7 CA, 94104. On the date set forth below, I served the following documents in the manner indicated on
8 the below named parties and/or counsel of record:

9 • **PLAINTIFFS' NOTICE OF ORDER BY COURT OF APPEALS**

10 — **Facsimile** transmission from (415) 544-0201 during normal business hours, complete and
11 without error on the date indicated below, as evidenced by the report issued by the
12 transmitting facsimile machine.

13 — **U.S. Mail**, with First Class postage prepaid and deposited in a sealed envelope at San
14 Francisco, California.

15 XX **By ECF:** I caused the aforementioned documents to be filed via the Electronic Case Filing
16 (ECF) system in the United States District Court for the Northern District of California, on
17 all parties registered for e-filing in *In Re National Security Agency Telecommunications*
18 *Records Litigation*, Docket Number M:06-cv-01791 VRW, and *Al-Haramain Islamic*
19 *Foundation, Inc., et al. v. Obama, et al.*, Docket Number C07-CV-0109-VRW.

20 I am readily familiar with the firm's practice for the collection and processing of
21 correspondence for mailing with the United States Postal Service, and said correspondence would
22 be deposited with the United States Postal Service at San Francisco, California that same day in the
23 ordinary course of business.

24 I declare under penalty of perjury that the foregoing is true and correct. Executed on
25 November 23, 2009 at San Francisco, California.

26 /s/ Jessica Dean
27 JESSICA DEAN

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21 **Attorneys for Plaintiffs Al-Haramain Islamic Foundation, Inc., Wendell Belew and Asim
22 Ghafoor**

23 **IN THE UNITED STATES DISTRICT COURT
24 FOR THE NORTHERN DISTRICT OF CALIFORNIA**

25 **IN RE NATIONAL SECURITY) MDL Docket No. 06-1791 VRW
26 AGENCY TELECOMMUNICATIONS)
27 RECORDS LITIGATION) EXHIBIT NO. 1 TO PLAINTIFFS' NOTICE
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29 *Al-Haramain Islamic Foundation, Inc., et al.*) Chief Judge Vaughn R. Walker
30 *v. Obama, et al.* (C07-CV-0109-VRW))

31 **A L - H A R A M A I N I S L A M I C)
32 FOUNDATION, INC., et al.,)**

33 **Plaintiffs,)
34 vs.)**

35 **BARACK H. OBAMA, President of the)
36 United States, et al.,)**

37 **Defendants.)**

FILED

UNITED STATES COURT OF APPEALS

NOV 23 2009

FOR THE NINTH CIRCUIT

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

AL-HARAMAIN ISLAMIC
FOUNDATION, INC., an Oregon
Nonprofit Corporation; WENDELL
BELEW, a U.S. Citizen and Attorney at
Law; ASIM GHAFOOR, a U.S. Citizen
and Attorney at Law,

Plaintiffs - Appellees,

v.

GEORGE W. BUSH, President of the
Unites States, et al,

Defendant - Appellant.

No. 06-36083

D.C. Nos. MDL-CV-06-1791-VRW
CV-07-00109-VRW

Northern District of California,
San Francisco

ORDER

Before: PREGERSON, HAWKINS and McKEOWN, Circuit Judges.

Appellees Al-Haramain Islamic Foundation, Inc., Wendell Belew, and Asim Ghafoor's Motion to Strike appellants' lodging of an *In Camera, Ex Parte* declaration of the Director of National Intelligence is GRANTED. This court does not have jurisdiction over the case as the mandate was issued on January 16, 2008.