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

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

18 **IN RE NATIONAL SECURITY ) MDL Docket No. 06-1791-VRW**  
 19 **AGENCY TELECOMMUNICATIONS )**  
 20 **RECORDS LITIGATION )**

21 **A L - H A R A M A I N I S L A M I C ) Docket No. C07-CV-0109-VRW**  
 22 **FOUNDATION, INC., et al., )**

23 **Plaintiffs, ) NOTICE OF SUBMISSION TO UNITED**  
 24 **vs. ) STATES SUPREME COURT**

25 **BARACK H. OBAMA, President of the )**  
 26 **United States, et al., ) Chief Judge Vaughn R. Walker**

27 **Defendants. )**  
 28 \_\_\_\_\_

29 \_\_\_\_\_  
 30 **NOTICE OF SUBMISSION TO UNITED STATES SUPREME COURT**  
**MDL DOCKET NO. 06-1791-VRW; DOCKET NO. C07-CV-0109-VRW**

1 On November 17, 2010, Al-Haramain Islamic Foundation, Inc., Wendell Belew, Asim  
2 Ghafoor, and the Electronic Frontier Foundation filed with the United States Supreme Court a brief  
3 as *amici curiae* in the consolidated cases *General Dynamics Corporation v. United States*, No. 09-  
4 1298, and *The Boeing Company v. United States*, No. 09-1302, addressing the question, which this  
5 Court addressed in the *Al-Haramain* litigation, whether the state-secrets privilege has a constitutional  
6 basis in Article II. A copy of that submission is attached hereto as Exhibit No. 1.

7  
8 DATED this 23rd day of November, 2010.

9  
10 /s/ Jon B. Eisenberg  
11 Jon B. Eisenberg, Calif. Bar No. 88278  
12 William N. Hancock, Calif. Bar No. 104501  
13 Steven Goldberg, Ore. Bar No. 75134  
14 Thomas H. Nelson, Oregon Bar No. 78315  
15 Zaha S. Hassan, Calif. Bar No. 184696  
16 J. Ashlee Albies, Ore. Bar No. 05184  
17 Lisa Jaskol, Calif. Bar No. 138769

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**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**

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4 **Al-Haramain Islamic Foundation, Inc., et al. v. Obama, et al.**  
5 **Docket No. C07-CV-0109-VRW**

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

11 • **NOTICE OF SUBMISSION TO UNITED STATES SUPREME COURT**

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

15 \_\_\_\_\_ **U.S. Mail**, with First Class postage prepaid and deposited in a sealed envelope at San  
16 Francisco, California.

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

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

26 I declare under penalty of perjury that the foregoing is true and correct. Executed on  
27 November 23, 2010 at San Francisco, California.

28 \_\_\_\_\_  
29 /s/ Susan Neff  
30 SUSAN NEFF