

1 [THE NAMES, ADDRESSES AND
2 TELEPHONE NUMBERS OF ALL
3 COUNSEL WHO HAVE SIGNED
4 THIS JOINT STATEMENT ARE
5 LISTED ON THE SIGNATURE PAGES]

6 UNITED STATES DISTRICT COURT
7 FOR THE NORTHERN DISTRICT OF CALIFORNIA

8 IN RE NATIONAL SECURITY AGENCY)
9 TELECOMMUNICATIONS RECORDS)
10 LITIGATION, MDL No. 1791)

MDL Docket No 06-1791 VRW

11 This Document Relates To All Cases Except)
12 *Al-Haramain Islamic Foundation, Inc. v.*)
13 *Bush*, No. 07-00109)
14 *Center for Constitutional Rights v. Bush*,)
15 *No. 07-01115*)
16 *Guzzi v. Bush*, No. 06-06225)
17 *Shubert v. Bush*, No. 07-00693)
United States v. Adams, No. 07-01323)
United States v. Clayton, No. 07-01242)
United States v. Palermino, No. 07-01326)
United States v. Rabner, No. 07-01324)
United States v. Volz, No. 07-01396)

**STIPULATION AND ~~PROPOSED~~
ORDER RE BRIEF LENGTH ON
DEFENDANTS MOTION TO DISMISS
OR, IN THE ALTERNATIVE, FOR
SUMMARY JUDGMENT**

Courtroom: 6, 17th Floor
Judge: The Hon. Vaughn R. Walker
Date: December 2, 2008
Time: 10:00 a.m.

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19 During the Case Management Conference held in this case on September 12, 2008, the
20 Court set a briefing schedule and page limits for briefs for Defendants Motion to Dismiss or, in the
21 Alternative, for Summary Judgment, limiting each side to 85 pages of briefs in total.

22 The Schedule provided that the Government's opening brief be no more than 25 pages,
23 Plaintiffs opposing brief be no more than 40 pages, the Government's reply be no more than 30
24 pages, the Carriers' joint brief be no more than 30 pages and the Plaintiffs response to the Carriers'
25 brief be no more than 45 pages.

26 Because of the length and complexity of the arguments Plaintiffs wish to raise in
27 opposition, they have asked Defendants and the carriers to agree to allow them to "swap" 10 pages

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1 from their final brief and add them to their opposition brief. Defendants have agreed to this in
2 exchange for Plaintiffs' agreement that the Government be allowed to add five pages to their reply
3 brief, noting that the Government did not use all 25 pages it was allowed for its opening brief.
4 Plaintiffs have agreed to this change.

5 This stipulation does not change the overall number of pages to be filed by any party.

6 Accordingly, the parties stipulate to the following page limits for the remaining briefs:

- 7 1. Plaintiffs' Opposition: 50 pages
- 8 2. Government Reply: 35 pages
- 9 3. Carrier Brief: 30 pages
- 10 4. Plaintiffs' Response to Carrier Brief: 35 pages.

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DATED: September 24, 2008

ELECTRONIC FRONTIER FOUNDATION

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Dated: September 24, 2008

Respectfully submitted,

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ORDER

Based upon the stipulation provided above, the following shall be the page limits for the remaining briefs:

1. Plaintiffs' Opposition: 50 pages
2. Government Reply: 35 pages
3. Carrier Brief: 30 pages
4. Plaintiffs' Response to Carrier Brief: 35 pages.

Dated: 9/30/2008

By: _____
The Honorable Vaughn Walker
United States District Court

