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9 *Attorneys for the Government Defendants*

10 **UNITED STATES DISTRICT COURT**  
 11 **NORTHERN DISTRICT OF CALIFORNIA**

12		)	No. M:06-CV-01791-VRW
13	IN RE NATIONAL SECURITY AGENCY	)	
14	TELECOMMUNICATIONS RECORDS	)	<b>PROPOSED ORDERS RE:</b>
15	LITIGATION	)	<b>GOVERNMENT DEFENDANTS'</b>
16	<u>This Document Solely Relates To:</u>	)	<b>MOTION TO STAY PROCEEDINGS</b>
17	<i>Al-Haramain Islamic Foundation et al.</i>	)	<b>PENDING APPEAL AND FOR</b>
18	<i>v. Obama, et al.</i> (07-CV-109-VRW)	)	<b>CERTIFICATION OF</b>
19		)	<b>INTERLOCUTORY APPEAL</b>
20		)	<b>UNDER 28 U.S.C. § 1292(b)</b>
21		)	
22		)	Date: April 9, 2009
23		)	Time: 2:30 pm
24		)	Courtroom: 6, 17 <sup>th</sup> Floor
25		)	
26		)	Honorable Vaughn R. Walker
27		)	

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28 **Proposed Orders re: Government Defendants' Motion to Stay Proceedings Pending  
 Appeal and for Certification of Interlocutory Appeal Under 28 U.S.C. § 1292(b)  
 Al-Haramain et al. v. Obama et al. (07-cv-109-VRW) (MDL06-cv-1791-VRW)**

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3 **UNITED STATES DISTRICT COURT**  
4 **NORTHERN DISTRICT OF CALIFORNIA**

5 ) No. M:06-CV-01791-VRW  
6 IN RE NATIONAL SECURITY AGENCY )  
7 TELECOMMUNICATIONS RECORDS ) **[PROPOSED] ORDER GRANTING**  
8 LITIGATION ) **CERTIFICATION OF**  
9 This Document Solely Relates To: ) **INTERLOCUTORY APPEAL**  
10 )  
11 *Al-Haramain Islamic Foundation et al.* ) Honorable Vaughn R. Walker  
12 *v. Obama, et al.* (07-CV-109-VRW) )  
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14 )  
15 )

16 On January 16, 2009, the Government Defendants filed a Notice of Appeal of the Court's  
17 Order of January 5, 2009. Dkt. 59. On January 19, 2009, the Government filed a motion for stay  
18 of further proceedings in this action pending resolution of its appeal, and also requested that the  
19 Court certify its January 5 Order for interlocutory review, pursuant to 28 U.S.C. § 1292(b). See  
20 Dkt. 60. Upon consideration of the Government's motion that the Court certify its Order of  
21 January 5, 2009 for interlocutory appeal, plaintiffs' response thereto, the record of this case, and  
22 good cause appearing, the Government's motion for certification shall be and hereby is  
23 GRANTED and the Court's January 5, 2009 Order shall be and hereby is certified for  
24 interlocutory appeal pursuant to 28 U.S.C. § 1292(b).  
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28 DATE: \_\_\_\_\_

Chief Judge Vaughn R. Walker

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2  
3 UNITED STATES DISTRICT COURT  
4 NORTHERN DISTRICT OF CALIFORNIA

5 ) No. M:06-CV-01791-VRW  
6 IN RE NATIONAL SECURITY AGENCY )  
7 TELECOMMUNICATIONS RECORDS ) [PROPOSED] ORDER GRANTING  
8 LITIGATION ) STAY PENDING APPEAL.  
9 )  
10 This Document Solely Relates To: ) Honorable Vaughn R. Walker  
11 )  
12 *Al-Haramain Islamic Foundation et al.* )  
13 *v. Obama, et al.* (07-CV-109-VRW) )  
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12 On January 16, 2009, the Government Defendants filed a Notice of Appeal of the Court's  
13 Order of January 5, 2009. Dkt. 59. On January 19, 2009, the Government filed a motion for stay  
14 of further proceedings in this action pending resolution of its appeal. See Dkt. 60. Upon  
15 consideration of the Government's motion that the Court stay further proceedings in this action  
16 pending disposition of the Government's appeal of the Court's Order of January 5, 2009,  
17 plaintiffs' response thereto, the record of this case, and good cause appearing, the Government's  
18 motion for a stay pending appeal shall be and hereby is GRANTED and further proceedings in  
19 this case shall be and hereby are STAYED pending final disposition of appellate proceedings in  
20 this case.

21 DATE: \_\_\_\_\_  
22 \_\_\_\_\_  
23 Chief Judge Vaughn R. Walker  
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3 UNITED STATES DISTRICT COURT  
4 NORTHERN DISTRICT OF CALIFORNIA

5 ) No. M:06-CV-01791-VRW  
6 IN RE NATIONAL SECURITY AGENCY )  
7 TELECOMMUNICATIONS RECORDS ) **[PROPOSED] ORDER GRANTING**  
8 LITIGATION ) **INTERIM STAY**  
9 This Document Solely Relates To: ) Honorable Vaughn R. Walker  
10 *Al-Haramain Islamic Foundation et al.* )  
11 *v. Obama, et al.* (07-CV-109-VRW) )  
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12 On January 16, 2009, the Government Defendants filed a Notice of Appeal of the Court's  
13 Order of January 5, 2009. Dkt. 59. On January 19, 2009, the Government filed a motion for stay  
14 of further proceedings in this action pending resolution of its appeal, and also requested that the  
15 Court certify its January 5 Order for interlocutory review, pursuant to 28 U.S.C. § 1292(b). The  
16 parties have briefed that motion and it is now under consideration by the Court. Until the Court  
17 rules on the pending motion for a stay pending appeal or for certification of an interlocutory  
18 appeal under Section 1292(b), further proceedings contemplated by the Court's January 5 Order  
19 in this action (Dkt. 57) shall be and hereby are STAYED pending further order of the Court. If  
20 the Court determines, upon consideration of the Government's motion, that it will not enter a  
21 stay pending appeal, further proceedings in this case shall continue to be stayed on an interim  
22 basis for 30 days to permit the Government to seek a stay from the Court of Appeals pursuant to  
23 Rule 8 of the Federal Rules of Appellate Procedure and until disposition of that motion by the  
24 Court of Appeals.

25 DATE: \_\_\_\_\_  
26 \_\_\_\_\_  
27 Chief Judge Vaughn R. Walker

