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*Attorneys for the Government Defendants
 Sued in their Official Capacity*

11 **UNITED STATES DISTRICT COURT**
 12 **NORTHERN DISTRICT OF CALIFORNIA**
 13 **SAN FRANCISCO DIVISION**

Case No. C:08-cv-4373-VRW

15 _____)
 CAROLYN JEWEL, TASH HEPTING,)
 16 GREGORY HICKS, ERIK KNUTZEN, and)
 JOICE WALTON,)

17 *Plaintiffs,*)
 18)

19 v.)

20 NATIONAL SECURITY AGENCY (“NSA”);)
 KEITH B. ALEXANDER, Director of the NSA;)
 UNITED STATES OF AMERICA;)
 21 BARACK OBAMA, President of the United)
 States; UNITED STATES DEPARTMENT OF)
 22 JUSTICE; ERIC HOLDER, Attorney General)
 of the United States; DENNIS C. BLAIR,)
 23 Director of National Intelligence.)

24 *Government Defendants*)
 25 *Sued in Their Official Capacity.*)

**STIPULATION TO REVISE
 HEARING DATE AND TO SET
 BRIEFING SCHEDULE**

[Civil L.R. 6-1(b); 6-2; 7-12]

Courtroom: 6, 17th Floor
 Judge: Hon. Vaughn R. Walker

1 Pursuant to Local Rule 6.1(b), the parties, through their undersigned counsel, hereby
2 stipulate and agree to a revised hearing date in connection with the Government Defendants'
3 Motion to Dismiss or for Summary Judgment filed on April 3, 2009, and to a briefing schedule
4 for that motion.

5 **RECITALS**

6 1. On September 18, 2008, plaintiffs filed a complaint in this action against the
7 National Security Agency ("NSA"), the United States, and several Government officials in their
8 official and individual capacities, challenging alleged surveillance activities on statutory and
9 constitutional grounds. *See* Dkt. 1 in 08-cv-4373 (Sept. 18, 2008).

10 2. On April 3, 2009, the Government Defendants sued on their official capacities
11 filed a Motion to Dismiss and for Summary Judgment. *See* Dkt. 18. The Government
12 Defendants noticed their motion for June 25, 2009—a date which, at the time, appeared to be
13 available on the Court's motion calendar. Subsequently, the Government Defendants have been
14 advised that the Court is unavailable on June 25, 2009.

15 3. The undersigned counsel for the Government Defendants has conferred with
16 counsel for the plaintiffs regarding a revised hearing date, and the parties request that the
17 Government Defendants' motion be set for hearing on July 15, 2009—a date currently available
18 on the Court's motion calendar.

19 4. In addition, if it please the Court, the parties request that the matter be set for
20 hearing at 10:30 a.m. instead of 2:30 p.m. when the Court normally hears motions.

21 5. The parties also have conferred and agreed upon the following briefing schedule
22 in connection with a July 15 hearing date:

23 June 3, 2009 - Plaintiffs' Opposition to the Government Defendants' Motion

24 June 26, 2009 - Government Defendants' Reply

25 6. This stipulation does not address any scheduling issue in connection with
26 plaintiffs' claims against the defendants sued in their individual capacities.

STIPULATION

Pursuant to L.R. 6.1(b), the parties, through their undersigned counsel, hereby stipulate and agree to the following schedule in connection with the Government Defendants' Motion to Dismiss and For Summary Judgment:

- 1. June 3, 2009: Plaintiffs' Opposition to the Government Defendants' Motion
- 2. June 26, 2009: Government Defendants' Reply
- 3. July 15, 2009: Hearing on Government Defendants' Motion at **10:30 a.m.**

DATED: April 30, 2009

Respectfully Submitted,

MICHAEL F. HERTZ
Acting Assistant Attorney General

DOUGLAS N. LETTER
Terrorism Litigation Counsel

JOSEPH H. HUNT
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VINCENT M. GARVEY
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By: s/ Anthony J. Coppolino
Anthony J. Coppolino

*Attorneys for the Government Defendants
Sued in Their Official Capacity*

DECLARATION PURSUANT TO GENERAL ORDER 45, § X.B

1 I, ANTHONY J. COPPOLINO, hereby declare that, pursuant to General Order 45, § X.B,
2 I have obtained the concurrence in the filing of this document from each of the other signatories
3 listed below.

4 I declare under penalty of perjury that the foregoing declaration is true and correct.

5 Executed on April 30, 2009, in the City of Washington, District of Columbia.

6 s/ Anthony J. Coppolino
7 ANTHONY J. COPPOLINO
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15 SIGNATORY PER G.O. 45:

16 ELECTRONIC FRONTIER FOUNDATION
17 CINDY COHN (145997)
18 LEE TIEN (148216)
19 KURT OPSAHL (191303)
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26 By: s/ Kevin S. Bankston per G.O. 45
27 Kevin S. Bankston

28 *Attorneys for Plaintiffs*

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[PROPOSED] ORDER

Pursuant to the foregoing Stipulation, and good cause appearing, the Court hereby sets the following schedule in connection with the Government Defendants' Motion to Dismiss and For Summary Judgment in this action:

1. June 3, 2009: Plaintiffs' Opposition to Government Defendant's Motion
2. June 26, 2009: Government Defendants' Reply
3. July 15, 2009: Hearing on Government Defendants' Motion at **10:30 a.m.**

PURSUANT TO STIPULATION, IT IS SO ORDERED:

Dated: _____, 2009

Hon. Vaughn R. Walker
United States District Chief Judge