

1 ELECTRONIC FRONTIER FOUNDATION  
2 CINDY COHN (145997)  
3 cindy@eff.org  
4 LEE TIEN (148216)  
5 KURT OPSAHL (191303)  
6 KEVIN S. BANKSTON (217026)  
7 JAMES S. TYRE (083117)  
8 454 Shotwell Street  
9 San Francisco, CA 94110  
10 Telephone: 415/436-9333; Fax: 415/436-9993

11 RICHARD R. WIEBE (121156)  
12 wiebe@pacbell.net  
13 LAW OFFICE OF RICHARD R. WIEBE  
14 425 California Street, Suite 2025  
15 San Francisco, CA 94104  
16 Telephone: 415/433-3200; Fax: 415/433-6382

17 Attorneys for Plaintiffs

THOMAS E. MOORE III (115107)  
tmoore@moorelawteam.com  
THE MOORE LAW GROUP  
228 Hamilton Avenue, 3rd Floor  
Palo Alto, CA 94301  
Telephone: 650/798-5352; Fax: 650/798-5001

RACHAEL E. MENY (178514)  
PAULA L. BLIZZARD (207920)  
MICHAEL S. KWUN (198945)  
AUDREY WALTON-HADLOCK (250574)  
KEKER & VAN NEST LLP  
710 Sansome Street  
San Francisco, CA 94111  
Telephone: 415/391-5400; Fax: 415/397-7188

11 UNITED STATES DISTRICT COURT  
12 FOR THE NORTHERN DISTRICT OF CALIFORNIA

*per paid*  
**FILED**  
MAR 19 2010

13 CAROLYN JEWEL, TASH HEPTING,  
14 GREGORY HICKS, ERIK KNUTZEN and  
15 JOICE WALTON, on behalf of themselves and  
16 all others similarly situated,

17 Plaintiffs,

18 vs.

19 NATIONAL SECURITY AGENCY, *et al.*,

20 Defendants.

CASE NO. C-08-4373-VRW

CLASS ACTION

**NOTICE OF APPEAL**

Courtroom 6, 17<sup>th</sup> Floor  
The Honorable Vaughn R. Walker

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

21  
22  
23 Please take notice that plaintiffs Carolyn Jewel, Tash Hepting, Gregory Hicks, Erik  
24 Knutzen and Joice Walton, and each of them, hereby appeal to the United States Court of Appeals  
25 for the Ninth Circuit from the district court's Order dated January 21, 2010, dismissing plaintiffs'  
26 complaint with prejudice (as amended by Order dated February 4, 2010) and from the district  
27 court's judgment dismissing plaintiffs' action entered on January 25, 2010.

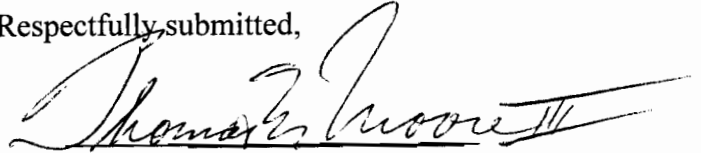
*Recpt #  
34611043712*

*Ne*

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

DATE: March 18, 2010

Respectfully submitted,



THOMAS E. MOORE III  
THE MOORE LAW GROUP  
228 Hamilton Avenue, 3rd Floor  
Palo Alto, CA 94301

CINDY COHN  
LEE TIEN  
KURT OPSAHL  
KEVIN S. BANKSTON  
JAMES S. TYRE  
ELECTRONIC FRONTIER FOUNDATION  
454 Shotwell Street  
San Francisco, CA 94110

RICHARD R. WIEBE  
LAW OFFICE OF RICHARD R. WIEBE  
425 California Street, Suite 2025  
San Francisco, CA 94104

RACHAEL E. MENY  
PAULA L. BLIZZARD  
MICHAEL S. KWUN  
AUDREY WALTON-HADLOCK  
KEKER & VAN NEST LLP  
710 Sansome Street  
San Francisco, CA 94111

Attorneys for Plaintiffs

**CERTIFICATE OF SERVICE**

I am employed in the County of Santa Clara, State of California. I am over the age of 18 and not a party to the within action. My business address is 228 Hamilton Avenue, Third Floor, Palo Alto, CA 94301.

On March 18, 2010, I served the following document(s):

**NOTICE OF APPEAL**

on the interested parties in this action addressed as follows:

**Anthony Joseph Coppolino**  
U.S. Department of Justice  
Civil Division, Federal Programs Branch  
20 Massachusetts Avenue NW, Rm. 6102  
Washington, DC 20001

**James R. Whitman**  
U.S. Department of Justice  
Civil Division, Torts Branch  
P.O Box 7146, Ben Franklin Station  
Washington, DC 20044-7146

**BY MAIL**

I deposited such envelope in the mail at Palo Alto, California. The envelope was mailed with postage thereon fully prepaid.

As follows: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. postal service on that same day with postage thereon fully prepaid at Palo Alto, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

**BY FACSIMILE TRANSMISSION** pursuant to Rule 2008 of the California Rules of Court. A transmission report was properly issued by the sending facsimile machine, and the transmission was reported as complete and without error.

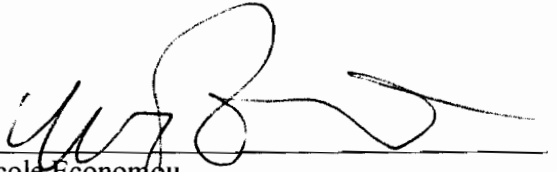
**BY FEDERAL EXPRESS, OVERNIGHT**, which was dropped off at the Federal Express office located at 3000 El Camino Real, Palo Alto, California 94306.

**BY HAND:** I placed a true and correct copy thereof in a sealed envelope and instructed a messenger to hand deliver said envelope(s) to the address(es) noted above.

Executed on March 18, 2010 at Palo Alto, California.

**STATE:** I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

**FEDERAL:** I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

  
\_\_\_\_\_  
Nicole Economou

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28