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UNITED STATES DISTRICT COURT

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FOR THE NORTHERN DISTRICT OF CALIFORNIA

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SAN FRANCISCO DIVISION

16

IN RE NATIONAL SECURITY AGENCY)
 TELECOMMUNICATIONS RECORDS)
 17 LITIGATION, MDL No. 1791)

MDL Docket No 06-1791 VRW

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This Document Relates To:

CLASS ACTION

19

ALL CASES

**[PROPOSED] ORDER RE
GOVERNMENT *EX PARTE*, *IN CAMERA*
FILINGS**

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

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1 Having considered the Administrative Motion of Plaintiffs and any Opposition filed by the
2 government:

3 IT IS HEREBY ORDERED that for Docket 249, and any future *ex parte, in camera* filings
4 by the government in this MDL proceeding, the government shall proceed as follows:

5 1. If the filing is not in response to an order of the Court authorizing the filing and not
6 otherwise authorized by the federal or local rules, the government shall make a public motion for
7 leave to file the information. In its motion, the government shall demonstrate, first, good cause for
8 the government to make a filing, public or secret, that is not otherwise authorized by the federal or
9 local rules, and, second, good cause why the filing should be made *ex parte, in camera* rather than
10 in the public docket.

11 2. If the filing is in response to an order of the court authorizing the filing or is
12 otherwise authorized by the federal or local rules, the government shall make a public motion along
13 with any *ex parte, in camera* filing demonstrating good cause why the filing should be made *ex*
14 *parte, in camera* rather than in the public docket.

15 3. In either case, the public motion shall include descriptions of the information filed
16 *ex parte, in camera* specific enough to identify the basis of the particular claim or claims of
17 privilege, including, at a minimum:

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- a. The privilege asserted;
- b. Categories of information in the *ex parte, in camera* filing covered by the privilege, and
- c. Either an explanation of why the non-disclosed information is sensitive to the national security, or an indication of why such an explanation would itself endanger national security.

DATED: April 13, 2007

By _____
Honorable Vaugh R. Walker

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