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14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA
16 SAN FRANCISCO DIVISION

17 In re:

18 NATIONAL SECURITY AGENCY
19 TELECOMMUNICATIONS RECORDS
20 LITIGATION

21 This Document Relates To:

22 *United States v. Rabner*, No. 07-1324;
23 *United States v. Palermino*, No. 07-1326; and,
24 *United States v. Volz*, No. 07-1396.

MDL Dkt. No. 06-1791-VRW

**STIPULATION AND [PROPOSED]
ORDER TO EXTEND TIME FOR AT&T
AND CINGULAR DEFENDANTS TO
RESPOND TO COMPLAINTS**

[Civil L.R. 6-2, 7-1(5), 7-12]

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

1 **RECITALS**

2 A. On February 21, 2007, the Judicial Panel on Multidistrict Litigation ordered
3 the transfer of *Clayton v. AT&T Communications of the Southwest, Inc.*, No. 07-1187;
4 *United States v. Gaw*, No. 07-1242; *United States v. Rabner*, No. 07-1324; *United States v.*
5 *Palermino*, No. 07-1326; *United States v. Volz*, No. 07-1396; and *United States v. Adams*,
6 No. 07-1323 (the “Federal-State Cases”) to this Court’s docket. Dkt. 173.

7 B. On March 30, 2007, the Court ordered that the AT&T and Cingular
8 Defendants (as defined in footnote 3 of the Joint Case Management Statement, Dkt. 61-1)
9 “need not answer or otherwise respond to the complaints in *United States v. Rabner*, No.
10 07-1324; *United States v. Palermino*, No. 07-1326; and *United States v. Volz*, No. 07-1396
11 until sixty days after this Court issues an order resolving the dispositive motions set for
12 hearing by the Order of March 26, 2007.” Dkt. 224. The Court heard those motions on
13 June 21, 2007.

14 C. On July 24, 2007, the Court denied without prejudice the United States’
15 motions for summary judgment and denied as moot the State Defendants’ motions. The
16 Court further ordered that “[a]fter the Ninth Circuit issues an order in *Hepting*, the parties
17 may renote their cross motions.” Dkt. 334.

18 D. Judicial and party economy is best served by deferring the AT&T and
19 Cingular Defendants’ obligation to respond to the complaints in *Rabner*; *Palermino*; and
20 *Volz* until after the Ninth Circuit has provided further guidance and this Court has
21 considered and resolved with prejudice any renewal of the cross motions originally heard
22 on June 21, 2007.

23 **STIPULATION**

24 The United States and the AT&T and Cingular Defendants hereby stipulate that the
25 AT&T and Cingular Defendants need not answer or otherwise respond to the complaints in
26 *Rabner*; *Palermino*; and *Volz* until 60 days after the resolution with prejudice of the renewal
27 of the cross motions originally heard on June 21, 2007, which the parties anticipate will
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[PROPOSED] ORDER

Pursuant to the foregoing Stipulation, and good cause appearing, IT IS HEREBY ORDERED that:

The AT&T and Cingular Defendants need not answer or otherwise respond to the complaints in *United States v. Rabner*, No. 07-1324; *United States v. Palermino*, No. 07-1326; and *United States v. Volz*, No. 07-1396 until 60 days after the resolution with prejudice of the renewal of the cross motions originally heard on June 21, 2007, which the parties anticipate will occur after the final adjudication of all appeals of the July 20, 2006 Order in *Hepting, et al. v. AT&T Corp., et al.*, No. 06-672-VRW, including disposition of any petition for certiorari to the United States Supreme Court (“*Hepting Appeals*”).

In the event that no cross-motion is renewed within 90 days after such final adjudication of the *Hepting Appeals*, then the AT&T and Cingular Defendants will answer or otherwise respond to the complaints in *Rabner*; *Palermino*; and *Volz* within 120 days after such final adjudication of the *Hepting Appeals*.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: _____, 2007.

Hon. Vaughn R. Walker
United States District Chief Judge