

1 PILLSBURY WINTHROP SHAW PITTMAN LLP  
BRUCE A. ERICSON #76342  
2 DAVID L. ANDERSON #149604  
JACOB R. SORENSEN #209134  
3 MARC H. AXELBAUM #209855  
DANIEL J. RICHERT #232208  
4 50 Fremont Street  
Post Office Box 7880  
5 San Francisco, CA 94120-7880  
Telephone: (415) 983-1000  
6 Facsimile: (415) 983-1200  
Email: bruce.ericson@pillsburylaw.com  
7

WILMER CUTLER PICKERING  
HALE AND DORR LLP  
Mark D. Flanagan #130303  
Elizabeth I. Rogers #226234  
1117 California Avenue  
Palo Alto, CA 94304  
Telephone: (650) 858-6000  
Facsimile: (650) 858-6100  
Email: mark.flanagan@wilmerhale.com

John A. Rogovin (*pro hac vice*)  
Randolph D. Moss (*pro hac vice*)  
Samir C. Jain #181572  
Brian M. Boynton #222193  
1875 Pennsylvania Avenue, N.W.  
Washington, DC 20006-3642  
Telephone: (202) 663-6000  
Facsimile: (202) 663-6363  
Email: john.rogovin@wilmerhale.com

Attorneys for Verizon Defendants

11 SIDLEY AUSTIN LLP  
DAVID W. CARPENTER (*pro hac vice*)  
12 DAVID L. LAWSON (*pro hac vice*)  
BRADFORD A. BERENSON (*pro hac vice*)  
13 EDWARD R. McNICHOLAS (*pro hac vice*)  
1501 K Street, N.W.  
14 Washington, D.C. 20005  
Telephone: (202) 736-8010  
15 Facsimile: (202) 736-8711

16 Attorneys for AT&T Defendants

17 UNITED STATES DISTRICT COURT  
18 NORTHERN DISTRICT OF CALIFORNIA  
19 SAN FRANCISCO DIVISION

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

Case No. M-06-01791-VRW

**DECLARATION OF BRIAN M.  
BOYNTON IN SUPPORT OF THE  
ADMINISTRATIVE MOTION OF AT&T  
AND VERIZON DEFENDANTS TO  
VACATE PENDING FILING  
DEADLINES IN CASES TRANSFERRED  
BY THE JUDICIAL PANEL ON  
MULTIDISTRICT LITIGATION**

**[Civ. L.R. 7-11 & 6-3]**

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

1 I, Brian M. Boynton, declare as follows:

2 1. I am an attorney at the law firm Wilmer Cutler Pickering Hale and Dorr  
3 LLP. My firm is counsel for Defendants Verizon Communications Inc., Verizon Global  
4 Networks Inc., Verizon Northwest Inc., Verizon Wireless, LLC, Cellco Partnership, and  
5 MCI, LLC (“Verizon Defendants”) in cases that are part of MDL 1791. Pursuant to  
6 Northern District of California Civil Local Rules 7-11(a) and 6-3(a), I make this declaration  
7 in support of the Administrative Motion of AT&T and Verizon Defendants To Vacate  
8 Pending Filing Deadlines in Cases Transferred by the Judicial Panel on Multidistrict  
9 Litigation.

10 2. The deadline for Defendant Verizon Communications Inc. to respond to the  
11 complaint in *Bissitt v. Verizon Communications Inc.*, No.06-cv-220, is uncertain. The case  
12 was stayed pending a decision by the Judicial Panel on Multidistrict Litigation (“JPML”),  
13 but no order vacating the stay has yet been entered by the transferor court.

14 3. The deadline for Defendant Verizon Global Networks, Inc. to respond to the  
15 complaint in *Herron v. Verizon Global Networks Inc. et al.*, No. 06-cv-2491, is also  
16 uncertain. The case was stayed pending further action by the JPML, but no order vacating  
17 the stay has yet been entered by the transferor court.

18 4. The deadline for Defendants Verizon Communications Inc. and Verizon  
19 Northwest, Inc. to respond to the complaint in *Hines v. Verizon Communications Inc. et al.*,  
20 No. 06-cv-694, is September 8, 2006.

21 5. The deadline for Defendant MCI, LLC to respond to the complaint in  
22 *Spielfogel-Landis v. MCI, LLC*, No. 06-cv-4221, is September 13, 2006.<sup>1</sup>

23 6. An order vacating these deadlines is necessary to allow the Verizon  
24 Defendants to respond to the plaintiffs’ complaints in the various cases in a coordinated

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25 <sup>1</sup> In the other seven cases against Verizon Communications Inc. or its affiliates that  
26 are currently part of MDL 1791, Verizon Communications Inc. or its affiliates do not  
27 currently face deadlines for responding to the complaints because they were not served, the  
case is stayed indefinitely, or the deadline for a response has been postponed indefinitely.

1 fashion, as contemplated by the JPML in its August 9, 2006 order transferring these cases  
2 to this Court for inclusion in MDL 1791. Such an order would also facilitate coordination  
3 among the defendants and plaintiffs and would preserve judicial resources by permitting the  
4 Court to address the MDL cases in a coordinated fashion. Absent an order vacating  
5 existing deadlines, the Verizon Defendants would be prejudiced by having to respond to the  
6 complaints in the various cases in a piecemeal fashion.

7         7.       In an attempt to obtain stipulations to the relief requested in this motion, I  
8 contacted counsel for the parties in the cases where there are deadlines currently pending.  
9 My efforts and the results of those efforts are described below.

10         8.       In a telephone conversation on August 24, 2006, at approximately 7:30 p.m.  
11 Eastern time, I asked Eric Fastiff, one of counsel for the plaintiffs in the *Spielfogel-Landis*  
12 case, if the plaintiffs would stipulate to the relief requested in this motion. I followed up on  
13 this request with an e-mail to Mr. Fastiff on August 25, 2006. In a reply to my e-mail, Mr.  
14 Fastiff indicated that plaintiffs would not agree to the relief requested in this motion. At  
15 approximately 7:25 p.m. Eastern time, Mr. Fastiff called me to indicate that the *Spielfogel-*  
16 *Landis* plaintiffs might reconsider their opposition to this motion but that he would have to  
17 get back to me. At approximately 8:05 p.m. Eastern time Mr. Fastiff called me back and  
18 left me a voicemail indicating that plaintiffs were not prepared at that time either to consent  
19 to or oppose this motion.

20         9.       At approximately 9:45 a.m. Eastern time, on August 25, 2006, I called and  
21 left a message for Miriam Weizenbaum, one of counsel for the plaintiffs in the *Bissitt* case.  
22 As of 8:30 p.m. Eastern time, Ms. Weizenbaum had not returned my call.

23         10.       Between 9:45 a.m. and 10:00 a.m. Eastern time on August 25, 2006, I called  
24 and left messages for Conrad Williams, Anthony Irpino, and Val Exnicios, counsel for the  
25 plaintiffs in the *Herron* case. As of 8:30 p.m. Eastern time, none of them had returned my  
26 calls.

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