

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

LARRY KLAYMAN, *et. al*

Plaintiffs,

v.

BARACK HUSSEIN OBAMA II, *et. al*

Defendants.

Civil Action No. 13-cv- 851 RJL

MOTION FOR LEAVE TO SUPPLEMENT THE RECORD

Plaintiffs, Larry Klayman, Charles and Mary Ann Strange, Michael Ferrari and Mathew Garrison, hereby move to supplement the record with new information concerning the illegal and unconstitutional invasion of the privacy of themselves and American citizens who are not under investigation for crimes or contacts with terrorists and terrorism.

Attached as "Exhibit 1" are recent reports, which were issued after the November 18, 2013 hearing on Plaintiffs Motions for Preliminary Injunction, showing the outrageous abuse of the NSA's PRISM and related so-called programs violative of section 215 of the Patriot Act and Section 702 of the Foreign Intelligence Surveillance Act, 50 USC § 1861 and 50 USC § 1881, respectively. This illegal and unconstitutional conduct of the NSA, which has targeted persons like Plaintiffs who are not under investigation for terrorist connections or crimes, is part of a pattern of nefarious conduct which creates a strong evidentiary inference, coupled with hard proof from Plaintiffs computer and metadata expert Edward Felton and as contained in affidavits submitted to this court that there is both jurisdiction and standing for them to pursue their claims and to have preliminary injunctions issued forthwith. *See Alexander v. FBI*, 186 F.R.D. 154, 158 (D.D.C. 1999) ("This [**7] line of discovery is appropriate because plaintiffs may seek to create

the inference that if the White House misused government information for political purposes in the case of the Tripp release, such evidence may be circumstantial evidence of the similar conduct alleged in plaintiffs' complaint.") *See also Rosenbaum v. City & County of San Francisco*, 484 F.3d 1142 (9th Cir. 2007) (A law enforcement agency may be enjoined from committing constitutional violations where there is proof that officers within the agency have engaged in a persistent pattern of misconduct.); *Rizzo v. Goode*, 423 U.S. 362 (1976) (affirming the injunction placed against a law enforcement agency after a pervasive pattern of unconstitutional mistreatment of citizens by police officers).

On December 2, 2013, Plaintiffs contacted counsel for Defendants to seek consent for this motion. Defendants do not grant consent.

Dated: December 2, 2013

Respectfully submitted,

/s/ Larry Klayman

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 2nd day of December, 2013 a true and correct copy of the foregoing Motion for Leave to Supplement the Record (Civil Action No. 13-cv- 851) was submitted electronically to the District Court for the District of Columbia and served via CM/ECF upon the following:

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