

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

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LARRY KLAYMAN, <i>et al.</i> ,)	
	Plaintiffs,)	Civil Action No.
)	1:13-cv-00851-RJL
	v.)	
)	
BARACK OBAMA, President of the)	
United States, <i>et al.</i> ,)	
	Defendants.)	
<hr/>)	
LARRY KLAYMAN, <i>et al.</i> ,)	
	Plaintiffs,)	Civil Action No.
)	1:13-cv-00881-RJL
	v.)	
)	
BARACK OBAMA, President of the)	
United States, <i>et al.</i> ,)	
	Defendants.)	
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**GOVERNMENT DEFENDANTS’ OPPOSITION TO PLAINTIFFS’
MOTION FOR LEAVE TO SUPPLEMENT THE RECORD**

Plaintiffs’ Motion for Leave To Supplement the Record (ECF No. 46, 13-851) (ECF No. 38, 13-881) should be denied for three reasons.

First, the Court made clear at the November 18, 2013, hearing on Plaintiffs’ motions for preliminary injunctions that it was not inviting further submissions from the parties beyond the supplemental briefs that the Court authorized the parties to file on November 26, 2013.

Plaintiffs’ motion for leave to supplement is the latest in a series of unauthorized filings that they have made since the November 18 hearing.

Second, the evidence Plaintiffs wish to submit, unsubstantiated reports from several newsblogs, is an insufficient basis on which to issue extraordinary preliminary injunctive relief.

See In re Akers, 487 B.R. 326, 331 (D.D.C. 2012); *Minitier v. Moon*, 684 F. Supp. 2d 13, 16 (2010). The record should not be further burdened with such incompetent evidence.

Third, assuming purely for the sake of argument that there is any accuracy to the newsblogs appended to Plaintiffs' Motion for Leave, the materials Plaintiffs wish to submit are irrelevant. According to the reports attached to Plaintiffs' motion, the National Security Agency gathered records of visits to sexually explicit websites by six individuals, all of whom it believed resided outside the United States, and only one of whom was a U.S. person. Pls.' Motion for Leave, Exh. 1 at 1, 7. Even if accurate, these reports contain no evidence suggesting that any records of Plaintiffs' telephonic or electronic communications have ever been acquired or reviewed in connection with the NSA intelligence-gathering activities at issue in these cases. Hence, they lend no support to Plaintiffs' standing to bring these suits.

Dated: December 4, 2013

Respectfully submitted,

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