

UNITED STATES DISTRICT COURT
DISTRICT OF COLUMBIA

_____)	
LARRY KLAYMAN, <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	Civ. Action No. 1: 13-cv-0851 (RJL)
v.)	
)	
BARACK OBAMA, President of the)	
United States, <i>et al.</i> ,)	
)	
Defendants.)	
_____)	

MOTION TO DISMISS CLAIMS AGAINST THE VERIZON DEFENDANTS, OR IN THE ALTERNATIVE FOR SUMMARY JUDGMENT, SUBMITTED BY DEFENDANT UNITED STATES DEPARTMENT OF JUSTICE PURSUANT TO SECTION 802 OF THE FOREIGN INTELLIGENCE SURVEILLANCE ACT, 50 U.S.C. 1885a(a)

Defendant United States Department of Justice (“DOJ”) hereby moves to dismiss, or for summary judgment in connection with, Plaintiffs’ claims against Verizon Communications and its Chief Executive Officer, Lowell A. McAdam (collectively “Verizon Defendants”), on the ground that no cause of action may lie or be maintained against these private-party defendants pursuant to Section 802 of the Foreign Intelligence Surveillance Act of 1978 (“FISA”), as amended. *See* 50 U.S.C. § 1885a. Defendant DOJ submits a memorandum of points and authorities in support of this motion, as well as the public certification of the Deputy Attorney General of the United States as authorized by Section 802. Defendant DOJ also submits, through a Classified Information Security Officer, a classified supplement to its motion, solely for *in camera, ex parte* review, consisting of (1) a classified certification by the Deputy Attorney General as authorized by and in accordance with the statutory procedures set forth in FISA Section 802(c), 50 U.S.C. § 1885a(c), and (2) a classified declaration of Frances J. Fleisch,

Acting Deputy Director, National Security Agency, in support of the Deputy Attorney General's classified certification.

Defendant DOJ respectfully requests that the Court grant its motion to dismiss the Verizon Defendants pursuant to Section 802 of the FISA for the reasons described in its memorandum of law and in the classified supplement to this motion.

Dated: December 16, 2013

Respectfully Submitted,

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/s/ Rodney Patton

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