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 16 **UNITED STATES DISTRICT COURT**  
 17 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**  
 18 **SAN FRANCISCO DIVISION**

19 CAROLYN JEWEL, TASH HEPTING, )  
 YOUNG BOON HICKS, as executrix of the )  
 20 estate of GREGORY HICKS, ERIK KNUTZEN )  
 and JOICE WALTON, on behalf of themselves )  
 21 and all others similarly situated, )  
 22 )  
 Plaintiffs, )  
 23 )  
 v. )  
 24 )  
 NATIONAL SECURITY AGENCY, *et al.*, )  
 25 )  
 Defendants. )

CASE NO. 08-CV-4373-JSW  
 [PROPOSED] TEMPORARY  
 RESTRAINING ORDER  
 Hon. Jeffrey S. White  
 Courtroom 11 - 19th Floor

1 This matter is before the Court on plaintiffs’ motion for a temporary restraining order to  
2 prevent defendants National Security Agency, United States of America, Department of Justice,  
3 Barack H. Obama, Keith B. Alexander, Eric H. Holder, Jr., and James R. Clapper, Jr. (in their  
4 official capacities) (collectively, the “government defendants”) and all those in active concert or  
5 participation with them from destroying any potential evidence relevant to the claims at issue in  
6 this action, including but not limited to prohibiting the destruction of any telephone metadata or  
7 “call detail” records. The government defendants have given notice that they will commence  
8 destroying call detail records on Tuesday morning, March 11, 2014. ECF No. 85 in *First*  
9 *Unitarian Church of Los Angeles v. NSA*, No. 13-cv-3287-JSW.

10 Plaintiffs contend that the Court’s prior evidence preservation order (ECF No. 51) as well  
11 as defendants’ obligations under the Federal Rules of Civil Procedure prohibit destruction of this  
12 potential evidence. It is undisputed that the Court would be unable to afford effective relief to  
13 plaintiffs once the records are destroyed, and therefore the harm plaintiffs face is irreparable. A  
14 temporary restraining order is necessary and appropriate so that the Court may decide whether the  
15 evidence should be preserved with the benefit of full briefing and participation by all parties.

16 It is hereby ordered that defendants National Security Agency, United States of America,  
17 Department of Justice, Barack H. Obama, Keith B. Alexander, Eric H. Holder, Jr., and James R.  
18 Clapper, Jr. (in their official capacities), their officers, agents, servants, employees, and attorneys,  
19 and all those in active concert or participation with them are prohibited, enjoined, and restrained  
20 from destroying any potential evidence relevant to the claims at issue in this action, including but  
21 not limited to prohibiting the destruction of any telephone metadata or “call detail” records,  
22 pending further order of the Court.

23 The Court sets the following briefing and hearing schedule in this matter:

- 24 Plaintiffs’ opening brief \_\_\_\_\_
- 25 Government defendants opposition brief \_\_\_\_\_
- 26 Plaintiffs’ reply brief \_\_\_\_\_
- 27 Hearing \_\_\_\_\_

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This order expires at \_\_\_\_\_.

Entered at \_\_\_\_\_ a.m./p.m. on March \_\_\_\_\_, 2014

IT IS SO ORDERED.

\_\_\_\_\_

UNITED STATES DISTRICT JUDGE