

R E C E I V E D
MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

CASE No. 15-16133

AUG 05 2015

**IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

FILED _____
DOCKETED _____
DATE _____ INITIAL _____

**CAROLYN JEWEL, ERIK KNUTZEN, AND JOICE WALTON,
PLAINTIFFS-APPELLANTS,**
v.
**NATIONAL SECURITY AGENCY, ET AL.,
DEFENDANTS-APPELLEES.**

ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF CALIFORNIA, No. 08-cv-04373-JSW
THE HONORABLE JEFFREY S. WHITE, UNITED STATES DISTRICT JUDGE, PRESIDING

**PLAINTIFFS-APPELLANTS' NOTICE OF FILING UNDER SEAL OF
VOLUME 3 OF THE EXCERPTS OF RECORD
PURSUANT TO DISTRICT COURT ORDER**

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Counsel for Plaintiffs-Appellants

TO THE COURT AND TO ALL PARTIES AND THEIR COUNSEL OF
RECORD:

In accordance with Ninth Circuit Rule 27-13(b), Plaintiffs-Appellants Carolyn Jewel, Erik Knutzen, and Joice Walton (collectively “Appellants”) hereby give notice of filing Volume 3 of Appellants’ Excerpts of Record under seal. Volume 3 contains documents that were filed under seal in the district court by order of the district court.

Attached to this notice as Exhibit A is a copy of the district court’s November 13, 2012 Order Granting Plaintiffs’ Administrative Motion to File Under Seal 1) Portions of Exhibits to the Declaration of Mark Klein and 2) Declaration of James W. Russell (ECF No. 122). By this order, the district court sealed the following documents that are contained within Volume 3 of Appellants’ Excerpts of Record: ECF No. 84-1 (Declaration of James W. Russell); ECF No. 84-2 (Declaration of Mark Klein); ECF No. 84-3 (Klein Declaration, Exhibit A); ECF No. 84-4 (Klein Declaration, Exhibit B); ECF Nos. 84-5, 84-6 (Klein Declaration, Exhibit C).

Because Volume 3 of Appellants’ Excerpts of Record contains documents sealed by the district court, Appellants are filing Volume 3 under seal. Ninth Circuit Rule 27-13(b).

Dated: August 4, 2015

Respectfully submitted,

s/ Richard R. Wiebe
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LAW OFFICE OF RICHARD R. WIEBE

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CERTIFICATE OF SERVICE

I am over the age of 18 years, and not a party to this action. My business address is 815 Eddy Street, San Francisco, CA 94109, which is located in the county where the service described below took place.

On August 4, 2015, I served true and correct copies of the following document:

**PLAINTIFFS'-APPELLANTS' NOTICE OF FILING UNDER SEAL OF
VOLUME 3 OF THE EXCERPTS OF RECORD PURSUANT TO DISTRICT
COURT ORDER**

on the persons named below by placing copies in sealed envelopes, addressed as shown below, and mailing them, first class postage prepaid, to:

Douglas N. Letter
H. Thomas Byron III
Appellate Staff
Civil Division, Room 7260
U.S. Department of Justice, Civil
Division
950 Pennsylvania Ave., N.W.
Washington, DC 20530

Attorneys for United States defendants

James R. Whitman
Torts Branch
Civil Division, Room 8148
U.S. Department of Justice
1425 New York Ave., N.W.
Washington, DC 20005

Attorney for individual
defendants

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Dated: August 4, 2015


Stephanie Shattuck

EXHIBIT A

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13 Attorneys for Plaintiffs

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15 **UNITED STATES DISTRICT COURT**
16 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

17 CAROLYN JEWEL, TASH HEPTING,
GREGORY HICKS, ERIK KNUTZEN and
18 JOICE WALTON, on behalf of themselves and
all others similarly situated,

19 Plaintiffs,

20 vs.

21 NATIONAL SECURITY AGENCY, *et al.*,

22 Defendants.
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) CASE NO. 08-CV-4373-JSW

) **[PROPOSED] ORDER GRANTING**
) **PLAINTIFFS' ADMINISTRATIVE**
) **MOTION TO FILE UNDER SEAL:**

) **1) PORTIONS OF EXHIBITS TO THE**
) **DECLARATION OF MARK KLEIN;**

) **2) DECLARATION OF JAMES W.**
) **RUSSELL**

) No Hearing Requested
) Courtroom 11, 19th Floor
) The Honorable Jeffrey S. White

1 Having given full consideration to plaintiffs' Administrative Motion to File Under Seal, and
2 good cause appearing, pursuant to Civil L.R. 79-5, it is hereby ordered that plaintiffs' motion is
3 **GRANTED.**


4 The following portions of the exhibits accompanying the Declaration of Mark Klein shall
5 be filed under seal:

- 6 a. Exhibit A, pp. 2-3, 5-43.
7 b. Exhibit B, pp. 1-5, 7-19.
8 c. Exhibit C, pp. 2, 4-44, 47-58.

9 The entire Declaration of James W. Russell shall be filed under seal.

10 **IT IS SO ORDERED.**

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13 DATED: November 13, 2012

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16 JEFFREY S. WHITE
17 United States District Judge
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