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18 UNITED STATES DISTRICT COURT  
19 FOR THE NORTHERN DISTRICT OF CALIFORNIA

20 CAROLYN JEWEL, TASH HEPTING,  
21 YOUNG BOON HICKS, as executrix of the  
estate of GREGORY HICKS, ERIK KNUTZEN  
22 and JOICE WALTON, on behalf of themselves  
and all others similarly situated,

23 Plaintiffs,

24 v.

25 NATIONAL SECURITY AGENCY, *et al.*,

26 Defendants.  
27  
28

) CASE NO. 08-CV-4373-JSW

)  
)  
) **PLAINTIFFS' FIRST SET OF**  
) **REQUESTS FOR THE PRODUCTION**  
) **OF DOCUMENTS AND THINGS TO THE**  
) **GOVERNMENT DEFENDANTS**

) Served June 17, 2016

) The Honorable Jeffrey S. White





1 **DOCUMENT REQUEST NO. 5:** Documents sufficient to evidence any use of the Folsom Street  
2 Facility to copy, filter, and/or search the contents of electronic communications sent or received  
3 within the United States by AT&T customers during the PSP Period.  
4

5 **DOCUMENT REQUEST NO. 6:** Documents sufficient to evidence for each plaintiff the number  
6 of that plaintiff's electronic communications You copied or procured to be copied or caused to be  
7 copied within the United States by the use of a device during the PSP Period while in transmission  
8 over the Internet without any warrant or court order authorizing You to do so.  
9

10 **DOCUMENT REQUEST NO. 7:** Documents sufficient to evidence the number of each  
11 plaintiff's Copied Communications You caused to be searched.  
12

13 **DOCUMENT REQUEST NO. 8:** Documents sufficient to evidence the process by which in  
14 Your upstream collection You or any person or entity acquire within the United States the contents  
15 of electronic communications sent or received within the United States by AT&T customers while  
16 in transmission over the Internet.  
17

18 **DOCUMENT REQUEST NO. 9:** Documents sufficient to evidence the process by which in  
19 Your upstream collection You or any person or entity copy within the United States the contents of  
20 electronic communications sent or received within the United States by AT&T customers while in  
21 transmission over the Internet.  
22

23 **DOCUMENT REQUEST NO. 10:** Documents sufficient to evidence the process by which in  
24 Your upstream collection You or any person or entity filter the contents of electronic  
25 communications sent or received within the United States by AT&T customers and copied within  
26 the United States while in transmission over the Internet.  
27  
28

1 **DOCUMENT REQUEST NO. 11:** Documents sufficient to evidence the process by which in  
2 Your upstream collection You or any person or entity search the contents of electronic  
3 communications sent or received within the United States by AT&T customers and copied within  
4 the United States while in transmission over the Internet.  
5

6 **DOCUMENT REQUEST NO. 12:** Documents sufficient to evidence any use of the Folsom Street  
7 Facility to copy, filter, and/or search the contents of electronic communications sent or received  
8 within the United States by AT&T customers as part of Your upstream collection.  
9

10 **DOCUMENT REQUEST NO. 13:** Documents sufficient to evidence for each plaintiff the  
11 number of that plaintiff's electronic communications You copied or procured to be copied or  
12 caused to be copied within the United States by the use of a device while in transmission over the  
13 Internet as part of Your upstream collection.  
14

15 **DOCUMENT REQUEST NO. 14:** Documents sufficient to evidence for each plaintiff the  
16 number of that plaintiff's electronic communications You searched or procured to be searched or  
17 caused to be searched as part of Your upstream collection.  
18

19 **DOCUMENT REQUEST NO. 15:** Documents sufficient to evidence the process by which at any  
20 time during the PSP Period You obtained any records or other information pertaining to subscribers  
21 or customers of AT&T's electronic communications services or remote computing services without  
22 any warrant or court order or subpoena authorizing the disclosure.  
23

24 **DOCUMENT REQUEST NO. 16:** Documents sufficient to evidence each disclosure to You at  
25 any time during the PSP Period, pursuant to a process of bulk collection, of any records or other  
26 information pertaining to subscribers or customers of AT&T's electronic communications services  
27 or remote computing services without any warrant or court order or subpoena authorizing the  
28 disclosure.

1  
2 **DOCUMENT REQUEST NO. 17:** Documents sufficient to evidence each disclosure to You,  
3 pursuant to a process of bulk collection, of any records or other information pertaining to  
4 subscribers of AT&T's electronic communications services or remote computing services.  
5

6 **DOCUMENT REQUEST NO. 18:** Documents sufficient to evidence each disclosure to You,  
7 pursuant to a process of bulk collection, of any records or other information pertaining to plaintiffs'  
8 use of AT&T's electronic communications services or remote computing services, including  
9 telephone call records, other telephone call information, Internet records, Internet metadata, or  
10 other Internet information pertaining to each plaintiff.  
11

12 **DOCUMENT REQUEST NO. 19:** Documents sufficient to evidence for each plaintiff the date  
13 and nature of each record or other information pertaining to that plaintiff's use of electronic  
14 communications services or remote computing services disclosed to You without any warrant or  
15 court order or subpoena authorizing the disclosure.  
16

17 **DOCUMENT REQUEST NO. 20:** Any documents on which You rely to support any affirmative  
18 defense You contend relieves You of liability under plaintiffs' complaint.  
19

20 **DOCUMENT REQUEST NO. 21:** Any documents on which You rely to support any denial of  
21 any allegation of Counts 9, 12, and 15 (including allegations incorporated by reference) of  
22 plaintiffs' complaint.  
23

24 **DOCUMENT REQUEST NO. 22:** Any documents You may use to support any defense or  
25 privilege.  
26

27 **DOCUMENT REQUEST NO. 23:** Any documents which You contend authorize, immunize, or  
28 relieve You of liability for Your conduct at issue in this lawsuit.

1  
2 **DOCUMENT REQUEST NO. 24:** Any warrant or court order that at any time has supported the  
3 copying of a plaintiff's electronic communications.  
4

5 **DOCUMENT REQUEST NO. 25:** Any warrant or court order that at any time has supported the  
6 filtering of a plaintiff's electronic communications.  
7

8 **DOCUMENT REQUEST NO. 26:** Any warrant or court order that at any time has supported the  
9 searching of a plaintiff's electronic communications.  
10

11 **DOCUMENT REQUEST NO. 27:** Any warrant or court order that at any time has supported the  
12 collection of a plaintiff's electronic communications.  
13

14 **DOCUMENT REQUEST NO. 28:** Any documents that you contend evidence any individualized  
15 suspicion or probable cause relating to any plaintiff that at any time has supported the copying of  
16 that plaintiff's electronic communications.  
17

18 **DOCUMENT REQUEST NO. 29:** Any documents that you contend evidence any individualized  
19 suspicion or probable cause relating to any plaintiff that at any time has supported the filtering of  
20 that plaintiff's electronic communications.  
21

22 **DOCUMENT REQUEST NO. 30:** Any documents that you contend evidence any individualized  
23 suspicion or probable cause relating to any plaintiff that at any time has supported the searching of  
24 that plaintiff's electronic communications.  
25

26 **DOCUMENT REQUEST NO. 31:** Any documents that you contend evidence any individualized  
27 suspicion or probable cause relating to any plaintiff that at any time has supported the collection of  
28 that plaintiff's electronic communications.

1  
2 **DOCUMENT REQUEST NO. 32:** Any documents contemporaneous with the copying of  
3 plaintiffs' electronic communications discussing, analyzing, documenting, or evidencing the  
4 alleged presence or absence of any warrant, court order, individualized suspicion, or probable  
5 cause relating to the copying of plaintiffs' communications.  
6

7 **DOCUMENT REQUEST NO. 33:** Any documents contemporaneous with the searching of  
8 plaintiffs' electronic communications discussing, analyzing, documenting, or evidencing the  
9 alleged presence or absence of any warrant, court order, individualized suspicion, or probable  
10 cause relating to the searching of plaintiffs' communications.  
11

12 **DOCUMENT REQUEST NO. 34:** For each response by You to plaintiffs' First Set of Requests  
13 for Admission that is not an unqualified admission, any documents which support Your response.  
14

15 **DOCUMENT REQUEST NO. 35:** For each response by You to plaintiff Erik Knutzen's First Set  
16 of Interrogatories, any documents which support Your response.  
17

18 **DOCUMENT REQUEST NO. 36:** For each response by You to plaintiff Carolyn Jewel's First  
19 Set of Interrogatories, any documents which support Your response.  
20

21 **DOCUMENT REQUEST NO. 37:** For each response by You to plaintiff Joice Walton's First Set  
22 of Interrogatories, any documents which support Your response.  
23

24 **DOCUMENT REQUEST NO. 38:** An unredacted copy of the document attached as Exhibit A to  
25 the Declaration of Richard R. Wiebe, ECF No. 147, and titled "ST-09-0002 Working Draft" and  
26 dated March 24, 2009.  
27

28 **DOCUMENT REQUEST NO. 39:** Unredacted copies of the following FISC Orders:



1 July 14, 2004. [First Internet metadata order]

2 May 24, 2006. [First phone records order]

3 January 10, 2007. [First content order]

4 April 3, 2007. [Content order]

5 May 31, 2007. [Content order]

6 January 15, 2008. [First PAA order]

7 September 4, 2008. [First FISAA 702 order]

8 October 3, 2011. [702 order]

9 September 25, 2012. [702 order]


10 November 6, 2015. [the current 702 order]

11  
12 **DOCUMENT REQUEST NO. 40:** An unredacted copy of the letter dated May 17, 2002 from  
13 John Yoo to Judge Kollar-Kotelly.  
14

15 **DOCUMENT REQUEST NO. 41:** Unredacted copies of the John Yoo memoranda addressing  
16 electronic surveillance and/or FISA dated November 2, 2001, January 9, 2002, February 8, 2002,  
17 and October 11, 2002.  
18

19 **DOCUMENT REQUEST NO. 42:** Unredacted copies of the Jack Goldsmith memoranda  
20 addressing electronic surveillance and/or FISA dated May 6, 2004 and July 16, 2004.  
21

22  
23  
24 DATE: June 17, 2016

25   
26 Richard R. Wiebe

27 CINDY COHN  
28 DAVID GREENE  
LEE TIEN  
KURT OPSAHL  
JAMES S. TYRE

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