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UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

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

Plaintiffs,

v.

NATIONAL SECURITY AGENCY, *et al.*,

Defendants.

CASE NO. 08-CV-4373-JSW

**PLAINTIFFS' FIRST SET OF  
REQUESTS FOR ADMISSION TO THE  
GOVERNMENT DEFENDANTS**

Served June 17, 2016

The Honorable Jeffrey S. White

1       **PLAINTIFFS' FIRST SET OF REQUESTS FOR ADMISSION TO THE GOVERNMENT**  
2       **DEFENDANTS**

3       Pursuant to Federal Rule of Civil Procedure 36, plaintiffs hereby request that defendants  
4       National Security Agency, Department of Justice, and the United States (collectively, "the  
5       Government Defendants") respond to the following requests for admission separately and fully, in  
6       writing, within thirty (30) days from the date of service. "A denial must fairly respond to the  
7       substance of the matter; and when good faith requires that a party qualify an answer or deny only  
8       part of a matter, the answer must specify the part admitted and qualify or deny the rest." Fed. R.  
9       Civ. Pro. 36(a)(4).

10       **DEFINITIONS**

11       1.       The "PSP Period" is the period from September 12, 2001 to August 10, 2007.

12       2.       "AT&T" is AT&T, Inc.; AT&T Corp.; SBC Communications, Inc.; any predecessor  
13       or successor entity of AT&T, Inc., AT&T Corp., or SBC Communications, Inc.; any officer,  
14       employee, agent, or contractor of AT&T, Inc., AT&T Corp., SBC Communications, Inc., or any of  
15       their predecessor or successor entities; any subsidiary or other entity in part or in whole owned or  
16       controlled by AT&T, Inc., AT&T Corp., SBC Communications, Inc., or any of their predecessor or  
17       successor entities; and any agent, officer, or employee of any subsidiary or other entity in part or in  
18       whole owned or controlled by AT&T, Inc., AT&T Corp., SBC Communications, Inc., or any of  
19       their predecessor or successor entities.

20       3.       "You" and "Your" includes the United States; any agency, department, office,  
21       entity, officer, employee, or agent of the United States; any entity owned or controlled by the  
22       United States; the Department of Justice; and the National Security Agency.

23       4.       An "Internet facility" includes cables, switches, routers, connections, or other  
24       communications devices used in the transmission of Internet communications.

25       5.       "PSP Copied Communications" are copies You made or procured some person or  
26       entity to make during the PSP Period of all the electronic communications transiting one or more  
27       Internet facilities within the United States.

28       6.       The "Folsom Street Facility" is the telecommunications facility located at 611

1 Folsom Street in San Francisco, California.

2 7. An “international communication” is a communication between at least one person  
3 or entity in the United States and at least one person or entity outside the United States.

4 8. When used as a term of geographic location, “United States” means all areas under  
5 the territorial sovereignty of the United States.

6  
7 **REQUESTS FOR ADMISSION**

8 **I. RFAs Addressing The Copying And Searching Of Electronic Communications During The**  
9 **PSP Period**

10 **A. Copying And Searching Of Plaintiffs’ Electronic Communications**  
11

12 **REQUEST FOR ADMISSION NO. 1:** Admit that during the PSP Period You copied or procured  
13 AT&T to copy within the United States electronic communications of plaintiffs while in  
14 transmission over the Internet without any warrant or court order authorizing You to do so.

15  
16 **REQUEST FOR ADMISSION NO. 2:** Admit that during the PSP Period You copied or procured  
17 AT&T to copy within the United States electronic communications of plaintiffs while in  
18 transmission over the Internet without any probable cause to believe or individualized suspicion  
19 that the communication copied contained a tasked selector.

20  
21 **REQUEST FOR ADMISSION NO. 3:** Admit that during the PSP Period You caused the  
22 electronic communications of plaintiffs that were copied within the United States while in  
23 transmission over the Internet to be searched without any warrant or court order authorizing You to  
24 do so.

25  
26 **REQUEST FOR ADMISSION NO. 4:** Admit that during the PSP Period You caused the  
27 electronic communications of plaintiffs that were copied within the United States while in  
28

1 transmission over the Internet to be searched without any probable cause to believe or  
2 individualized suspicion that the communication copied contained the searched-for information.

3  
4 **B. Copying And Searching Of Electronic Communications Transiting The Folsom  
Street Facility**

5  
6 **REQUEST FOR ADMISSION NO. 5:** Admit that during the PSP Period You procured AT&T to  
7 copy all electronic communications at the Folsom Street Facility transiting between AT&T's  
8 Internet facilities and the Internet facilities of non-AT&T electronic communications service  
9 providers.

10  
11 **REQUEST FOR ADMISSION NO. 6:** Admit that the PSP Copied Communications made at the  
12 Folsom Street Facility included electronic communications sent or received within the United  
13 States by AT&T customers.

14  
15 **REQUEST FOR ADMISSION NO. 7:** Admit that You searched or caused to be searched those  
16 of the PSP Copied Communications made at the Folsom Street Facility that You or AT&T  
17 determined were likely to be international communications.

18  
19 **REQUEST FOR ADMISSION NO. 8:** Admit that the PSP Copied Communications made at the  
20 Folsom Street Facility whose contents You searched or caused to be searched included electronic  
21 communications sent or received within the United States by AT&T customers.

22  
23 **REQUEST FOR ADMISSION NO. 9:** Admit that fiber-optic splitters installed at the Folsom  
24 Street Facility were used during the PSP Period to copy the contents of all the electronic  
25 communications passing through them.

26  
27 **REQUEST FOR ADMISSION NO. 10:** Admit that fiber-optic splitters installed at the Folsom  
28 Street Facility were used during the PSP Period to copy the contents of all the electronic

1 communications transiting between AT&T's Internet facilities and the Internet facilities of other  
2 electronic communications service providers.

3  
4 **REQUEST FOR ADMISSION NO. 11:** Admit that fiber-optic splitters installed at the Folsom  
5 Street Facility were used during the PSP Period to copy the contents of electronic communications  
6 of AT&T domestic customers while in transmission over the Internet.

7  
8 **REQUEST FOR ADMISSION NO. 12:** Admit that during the PSP Period You caused AT&T to  
9 copy by the use of a device at the Folsom Street Facility domestic and international electronic  
10 communications sent or received in the United States by AT&T customers while in transmission  
11 over the Internet without any warrant or court order authorizing You to do so.

12  
13 **REQUEST FOR ADMISSION NO. 13:** Admit that during the PSP Period You caused AT&T to  
14 copy by the use of a device at the Folsom Street Facility domestic and international electronic  
15 communications sent or received in the United States by AT&T customers while in transmission  
16 over the Internet without any probable cause to believe or individualized suspicion that the  
17 communication copied contained a tasked selector.

18  
19 **REQUEST FOR ADMISSION NO. 14:** Admit that during the PSP Period You caused the  
20 contents of all electronic communications copied at the Folsom Street Facility and sent to or  
21 received by AT&T customers within the United States, and that You or AT&T determined were  
22 likely to be international communications, to be searched without any warrant or court order  
23 authorizing You to do so.

24  
25 **REQUEST FOR ADMISSION NO. 15:** Admit that during the PSP Period You caused the  
26 contents of all electronic communications copied at the Folsom Street Facility and sent to or  
27 received by AT&T customers within the United States, and that You or AT&T determined were  
28

1 likely to be international communications, to be searched without any probable cause to believe or  
2 individualized suspicion that each communication searched contained the searched-for information.

3  
4  
5 **C. Copying And Searching Of Electronic Communications Transiting The Facilities  
6 Of AT&T**

7 **REQUEST FOR ADMISSION NO. 16:** Admit that during the PSP Period You intentionally  
8 copied or procured some person or entity to copy within the United States by use of a device the  
9 contents of all electronic communications transiting one or more AT&T Internet facilities without  
10 any warrant or court order authorizing You to do so.

11  
12 **REQUEST FOR ADMISSION NO. 17:** Admit that during the PSP Period You intentionally  
13 copied or procured some person or entity to copy within the United States by use of a device the  
14 contents of all electronic communications transiting one or more AT&T Internet facilities without  
15 any probable cause to believe or individualized suspicion that the communication copied contained  
16 a tasked selector.

17  
18 **REQUEST FOR ADMISSION NO. 18:** Admit that during the PSP Period You caused the  
19 contents of electronic communications sent or received within the United States by AT&T  
20 customers and copied within the United States by use of a device while in transmission over  
21 AT&T's Internet facilities to be searched without any warrant or court order authorizing You to do  
22 so.

23  
24 **REQUEST FOR ADMISSION NO. 19:** Admit that during the PSP Period You caused the  
25 contents of electronic communications sent or received within the United States by AT&T  
26 customers and copied within the United States by use of a device while in transmission over  
27 AT&T's Internet facilities to be searched without any probable cause to believe or individualized  
28 suspicion that the searched communication contained the searched-for information.

1  
2 **REQUEST FOR ADMISSION NO. 20:** Admit that during the PSP Period You caused the  
3 contents of all electronic communications that were sent or received within the United States by  
4 AT&T customers and copied within the United States by use of a device while in transmission over  
5 AT&T's Internet facilities, and that You or AT&T determined were likely to be international  
6 communications, to be searched without any warrant or court order authorizing You to do so.  
7

8 **REQUEST FOR ADMISSION NO. 21:** Admit that during the PSP Period You caused the  
9 contents of all electronic communications that were sent or received within the United States by  
10 AT&T customers and copied within the United States by use of a device while in transmission over  
11 AT&T's Internet facilities, and that You or AT&T determined were likely to be international  
12 communications, to be searched without any probable cause to believe or individualized suspicion  
13 that the communication copied contained the searched-for information.  
14

15 **REQUEST FOR ADMISSION NO. 22:** Admit that during the PSP Period in response to Your  
16 request for assistance AT&T copied within the United States by use of a device the contents of all  
17 electronic communications transiting one or more AT&T Internet facilities without any warrant or  
18 court order authorizing the copying.  
19

20 **REQUEST FOR ADMISSION NO. 23:** Admit that during the PSP Period in response to Your  
21 request for assistance AT&T copied within the United States by use of a device the contents of all  
22 electronic communications transiting one or more AT&T Internet facilities, with no probable cause  
23 to believe or individualized suspicion that each communication copied contained a tasked selector.  
24

25 **REQUEST FOR ADMISSION NO. 24:** Admit that during the PSP Period in response to Your  
26 request for assistance AT&T searched the contents of electronic communications sent or received  
27 within the United States by AT&T customers and copied within the United States by use of a  
28 device while in transmission without any warrant or court order authorizing the search.

1  
2 **REQUEST FOR ADMISSION NO. 25:** Admit that during the PSP Period in response to Your  
3 request for assistance AT&T searched the contents of electronic communications sent or received  
4 within the United States by AT&T domestic customers and copied within the United States by use  
5 of a device while in transmission, with no probable cause to believe or individualized suspicion  
6 that each communication searched contained the searched-for information.  
7

8  
9 **D. Copying And Searching Of Electronic Communications Transiting The Facilities  
10 Of Electronic Communications Service Providers**

11  
12 **REQUEST FOR ADMISSION NO. 26:** Admit that during the PSP Period You procured one or  
13 more electronic communications service providers to copy all electronic communications transiting  
14 one or more of their Internet facilities within the United States.  
15

16 **REQUEST FOR ADMISSION NO. 27:** Admit that during the PSP Period You copied or  
17 procured AT&T to copy all electronic communications transiting one or more of its Internet  
18 facilities within the United States.  
19

20 **REQUEST FOR ADMISSION NO. 28:** Admit that during the PSP Period, PSP Copied  
21 Communications were made by AT&T and other electronic communications service providers.  
22

23 **REQUEST FOR ADMISSION NO. 29:** Admit that the PSP Copied Communications were made  
24 through the use of a device.  
25

26 **REQUEST FOR ADMISSION NO. 30:** Admit that no warrant or court order authorized the  
27 making of the PSP Copied Communications.  
28



1 **REQUEST FOR ADMISSION NO. 31:** Admit that the PSP Copied Communications were made  
2 without any probable cause to believe or individualized suspicion that the communication copied  
3 contained a tasked selector.

4  
5 **REQUEST FOR ADMISSION NO. 32:** Admit that the PSP Copied Communications included  
6 electronic communications sent or received within the United States by AT&T customers.

7  
8 **REQUEST FOR ADMISSION NO. 33:** Admit that the PSP Copied Communications included  
9 electronic communications sent or received within the United States by plaintiff Jewel.

10  
11 **REQUEST FOR ADMISSION NO. 34:** Admit that the PSP Copied Communications included  
12 electronic communications sent or received within the United States by plaintiff Knutzen.

13  
14 **REQUEST FOR ADMISSION NO. 35:** Admit that the PSP Copied Communications included  
15 electronic communications sent or received within the United States by plaintiff Walton.

16  
17 **REQUEST FOR ADMISSION NO. 36:** Admit that the PSP Copied Communications included  
18 electronic communications sent or received within the United States by plaintiff Hepting.

19  
20 **REQUEST FOR ADMISSION NO. 37:** Admit that the PSP Copied Communications included  
21 electronic communications sent or received within the United States by Gregory Hicks.

22  
23 **REQUEST FOR ADMISSION NO. 38:** Admit that You searched or caused to be searched those  
24 of the PSP Copied Communications that You or an electronic communications service provider  
25 determined were likely to be international communications.

26  
27 **REQUEST FOR ADMISSION NO. 39:** Admit that no warrant or court order authorized the  
28 searching of the PSP Copied Communications.

1  
2 **REQUEST FOR ADMISSION NO. 40:** Admit that the PSP Copied Communications were  
3 searched without any probable cause to believe or individualized suspicion that each  
4 communication searched contained the searched-for information.

5  
6 **REQUEST FOR ADMISSION NO. 41:** Admit that the PSP Copied Communications whose  
7 contents You searched or caused to be searched included electronic communications sent or  
8 received within the United States by AT&T customers.

9  
10 **REQUEST FOR ADMISSION NO. 42:** Admit that the PSP Copied Communications whose  
11 contents You searched or caused to be searched included electronic communications sent or  
12 received within the United States by plaintiff Jewel.

13  
14 **REQUEST FOR ADMISSION NO. 43:** Admit that the PSP Copied Communications whose  
15 contents You searched or caused to be searched included electronic communications sent or  
16 received within the United States by plaintiff Knutzen.

17  
18 **REQUEST FOR ADMISSION NO. 44:** Admit that the PSP Copied Communications whose  
19 contents You searched or caused to be searched included electronic communications sent or  
20 received within the United States by plaintiff Walton.

21  
22 **REQUEST FOR ADMISSION NO. 45:** Admit that the PSP Copied Communications whose  
23 contents You searched or caused to be searched included electronic communications sent or  
24 received within the United States by plaintiff Hepting.

25  
26 **REQUEST FOR ADMISSION NO. 46:** Admit that the PSP Copied Communications whose  
27 contents You searched or caused to be searched included electronic communications sent or  
28 received within the United States by Gregory Hicks.

1  
2 **REQUEST FOR ADMISSION NO. 47:** Admit that during the PSP Period You searched or  
3 caused to be searched the contents of PSP Copied Communications sent or received by AT&T  
4 domestic customers between the United States and the countries of the United Kingdom, Germany,  
5 Indonesia, New Zealand, Australia, the Netherlands, Denmark, South Africa, Taiwan, Canada,  
6 France, Spain, and Saudi Arabia.

7  
8 **REQUEST FOR ADMISSION NO. 48:** Admit that during the PSP Period You searched or  
9 caused to be searched the contents of PSP Copied Communications in which the sender and  
10 receiver were both located in the United States.

11  
12 **REQUEST FOR ADMISSION NO. 49:** Admit that during the PSP Period You caused the  
13 contents of all electronic communications copied at the United States facilities of electronic  
14 communications service providers and sent to or received by United States persons within the  
15 United States, and that You or the electronic communications service provider determined were  
16 likely to be international communications, to be searched without any warrant or court order  
17 authorizing You to do so.

18  
19 **REQUEST FOR ADMISSION NO. 50:** Admit that during the PSP Period You caused the  
20 contents of all electronic communications copied at the United States facilities of electronic  
21 communications service providers and sent to or received by United States persons within the  
22 United States, and that You or the electronic communications service provider determined were  
23 likely to be international communications, to be searched without any probable cause to believe or  
24 individualized suspicion that each communication searched contained the searched-for information.

1           **E. Further RFAs Addressing The Copying And Searching Of Plaintiffs' Electronic**  
2           **Communications**

3  
4           **REQUEST FOR ADMISSION NO. 51:** Admit that during the PSP Period, You caused one or  
5           more electronic communications sent or received by each plaintiff to be copied by use of a device  
6           while in transmission within the United States without any warrant or court order authorizing You  
7           to do so.

8  
9           **REQUEST FOR ADMISSION NO. 52:** Admit that during the PSP Period You caused the  
10          contents of one or more of the international electronic communications sent or received by each  
11          plaintiff to be copied by use of a device while in transmission within the United States without any  
12          warrant or court order authorizing You to do so.

13  
14          **REQUEST FOR ADMISSION NO. 53:** Admit that during the PSP Period, You caused one or  
15          more electronic communications sent or received by each plaintiff to be copied by use of a device  
16          while in transmission within the United States without any probable cause to believe or  
17          individualized suspicion that the communication copied contained a tasked selector.

18  
19          **REQUEST FOR ADMISSION NO. 54:** Admit that during the PSP Period You caused the  
20          contents of one or more of the international electronic communications sent or received by each  
21          plaintiff to be copied by use of a device while in transmission within the United States without any  
22          probable cause to believe or individualized suspicion that the communication copied contained a  
23          tasked selector.

24  
25          **REQUEST FOR ADMISSION NO. 55:** Admit that during the PSP Period You intentionally  
26          copied or procured some person or entity to copy by use of a device the contents of electronic  
27          communications sent and received by each plaintiff while in transmission within the United States  
28          without any warrant or court order authorizing You to do so.

1  
2 **REQUEST FOR ADMISSION NO. 56:** Admit that during the PSP Period You intentionally  
3 copied or procured some person or entity to copy by use of a device the contents of international  
4 electronic communications sent and received by each plaintiff while in transmission within the  
5 United States without any warrant or court order authorizing You to do so.

6  
7 **REQUEST FOR ADMISSION NO. 57:** Admit that during the PSP Period You intentionally  
8 copied or procured some person or entity to copy by use of a device the contents of electronic  
9 communications sent and received by each plaintiff while in transmission within the United States  
10 without any probable cause to believe or individualized suspicion that the communication copied  
11 contained a tasked selector.

12  
13 **REQUEST FOR ADMISSION NO. 58:** Admit that during the PSP Period You intentionally  
14 copied or procured some person or entity to copy by use of a device the contents of international  
15 electronic communications sent and received by each plaintiff while in transmission within the  
16 United States without any probable cause to believe or individualized suspicion that the  
17 communication copied contained a tasked selector.

18  
19 **REQUEST FOR ADMISSION NO. 59:** Admit that during the PSP Period You caused the  
20 contents of one or more of the international electronic communications sent or received by each  
21 plaintiff in the United States and copied while in transmission within the United States to be  
22 searched.

23  
24 **REQUEST FOR ADMISSION NO. 60:** Admit that during the PSP Period You caused the  
25 contents of one or more of the international electronic communications sent or received by each  
26 plaintiff in the United States and copied while in transmission within the United States to be  
27 searched without any warrant or court order authorizing You to do so.  
28

1 **REQUEST FOR ADMISSION NO. 61:** Admit that during the PSP Period You caused the  
2 contents of one or more of the domestic electronic communications sent or received by each  
3 plaintiff and copied while in transmission within the United States to be searched without any  
4 warrant or court order authorizing You to do so.

5  
6 **REQUEST FOR ADMISSION NO. 62:** Admit that during the PSP Period You caused the  
7 contents of one or more of the international electronic communications sent or received by each  
8 plaintiff in the United States and copied while in transmission within the United States to be  
9 searched without any probable cause to believe or individualized suspicion that each  
10 communication searched contained the searched-for information.

11  
12 **REQUEST FOR ADMISSION NO. 63:** Admit that during the PSP Period You caused the  
13 contents of one or more of the domestic communications sent or received by each plaintiff and  
14 copied while in transmission within the United States to be searched without any probable cause to  
15 believe or individualized suspicion that communication searched contained the searched-for  
16 information.

17  
18 **1. Plaintiff Jewel**

19  
20 **REQUEST FOR ADMISSION NO. 64:** Admit that during the PSP Period, You caused one or  
21 more electronic communications sent or received by plaintiff Jewel to be copied by use of a device  
22 while in transmission within the United States without any warrant or court order authorizing You  
23 to do so.

24  
25 **REQUEST FOR ADMISSION NO. 65:** Admit that during the PSP Period You caused the  
26 contents of one or more of the international electronic communications sent or received by plaintiff  
27 Jewel to be copied by use of a device while in transmission within the United States without any  
28 warrant or court order authorizing You to do so.

1  
2 **REQUEST FOR ADMISSION NO. 66:** Admit that during the PSP Period, You caused one or  
3 more electronic communications sent or received by plaintiff Jewel to be copied by use of a device  
4 while in transmission within the United States without any probable cause to believe or  
5 individualized suspicion that the communication copied contained a tasked selector.

6  
7 **REQUEST FOR ADMISSION NO. 67:** Admit that during the PSP Period You caused the  
8 contents of one or more of the international electronic communications sent or received by plaintiff  
9 Jewel to be copied by use of a device while in transmission within the United States without any  
10 probable cause to believe or individualized suspicion that the communication copied contained a  
11 tasked selector.

12  
13 **REQUEST FOR ADMISSION NO. 68:** Admit that during the PSP Period You intentionally  
14 copied or procured some person or entity to copy by use of a device the contents of electronic  
15 communications sent and received by plaintiff Jewel while in transmission within the United States  
16 without any warrant or court order authorizing You to do so.

17  
18 **REQUEST FOR ADMISSION NO. 69:** Admit that during the PSP Period You intentionally  
19 copied or procured some person or entity to copy by use of a device the contents of international  
20 electronic communications sent and received by plaintiff Jewel while in transmission within the  
21 United States without any warrant or court order authorizing You to do so.

22  
23 **REQUEST FOR ADMISSION NO. 70:** Admit that during the PSP Period You intentionally  
24 copied or procured some person or entity to copy by use of a device the contents of electronic  
25 communications sent and received by plaintiff Jewel while in transmission within the United States  
26 without any probable cause to believe or individualized suspicion that the communication copied  
27 contained a tasked selector.  
28

1 **REQUEST FOR ADMISSION NO. 71:** Admit that during the PSP Period You intentionally  
2 copied or procured some person or entity to copy by use of a device the contents of international  
3 electronic communications sent and received by plaintiff Jewel while in transmission within the  
4 United States without any probable cause to believe or individualized suspicion that the  
5 communication copied contained a tasked selector.

6  
7 **REQUEST FOR ADMISSION NO. 72:** Admit that during the PSP Period You caused the  
8 contents of one or more of the international electronic communications sent or received by plaintiff  
9 Jewel in the United States and copied while in transmission within the United States to be  
10 searched.

11  
12 **REQUEST FOR ADMISSION NO. 73:** Admit that during the PSP Period You caused the  
13 contents of one or more of the international electronic communications sent or received by plaintiff  
14 Jewel in the United States and copied while in transmission within the United States to be searched  
15 without any warrant or court order authorizing You to do so.

16  
17 **REQUEST FOR ADMISSION NO. 74:** Admit that during the PSP Period You caused the  
18 contents of one or more of the domestic electronic communications sent or received by plaintiff  
19 Jewel and copied while in transmission within the United States to be searched without any warrant  
20 or court order authorizing You to do so.

21  
22 **REQUEST FOR ADMISSION NO. 75:** Admit that the contents of international electronic  
23 communications sent or received by plaintiff Jewel between the United States and England,  
24 Germany, Indonesia, New Zealand, and Australia and copied while in transmission within the  
25 United States were among the communications You caused to be searched during the PSP Period  
26 without any warrant or court order authorizing You to do so.



1 **REQUEST FOR ADMISSION NO. 76:** Admit that during the PSP Period You caused the  
2 contents of one or more of the international electronic communications sent or received by plaintiff  
3 Jewel in the United States and copied while in transmission within the United States to be searched  
4 without any probable cause to believe or individualized suspicion that each communication  
5 searched contained the searched-for information.

6  
7 **REQUEST FOR ADMISSION NO. 77:** Admit that during the PSP Period You caused the  
8 contents of one or more of the domestic communications sent or received by plaintiff Jewel and  
9 copied while in transmission within the United States to be searched without any probable cause to  
10 believe or individualized suspicion that communication searched contained the searched-for  
11 information.

12  
13 **REQUEST FOR ADMISSION NO. 78:** Admit that the contents of international electronic  
14 communications sent or received by plaintiff Jewel between the United States and England,  
15 Germany, Indonesia, New Zealand, and Australia and copied while in transmission within the  
16 United States were among the communications You caused to be searched during the PSP Period  
17 without any probable cause to believe or individualized suspicion that each communication  
18 searched contained the searched-for information.

19  
20 **2. Plaintiff Hepting**

21  
22 **REQUEST FOR ADMISSION NO. 79:** Admit that during the PSP Period, You caused one or  
23 more electronic communications sent or received by plaintiff Hepting to be copied by use of a  
24 device while in transmission within the United States without any warrant or court order  
25 authorizing You to do so.

26  
27 **REQUEST FOR ADMISSION NO. 80:** Admit that during the PSP Period You caused the  
28 contents of one or more of the international electronic communications sent or received by plaintiff

1 Hepting to be copied by use of a device while in transmission within the United States without any  
2 warrant or court order authorizing You to do so.

3  
4 **REQUEST FOR ADMISSION NO. 81:** Admit that during the PSP Period, You caused one or  
5 more electronic communications sent or received by plaintiff Hepting to be copied by use of a  
6 device while in transmission within the United States without any probable cause to believe or  
7 individualized suspicion that the communication copied contained a tasked selector.

8  
9 **REQUEST FOR ADMISSION NO. 82:** Admit that during the PSP Period You caused the  
10 contents of one or more of the international electronic communications sent or received by plaintiff  
11 Hepting to be copied by use of a device while in transmission within the United States without any  
12 probable cause to believe or individualized suspicion that the communication copied contained a  
13 tasked selector.

14  
15 **REQUEST FOR ADMISSION NO. 83:** Admit that during the PSP Period You intentionally  
16 copied or procured some person or entity to copy by use of a device the contents of electronic  
17 communications sent and received by plaintiff Hepting while in transmission within the United  
18 States without any warrant or court order authorizing You to do so.

19  
20 **REQUEST FOR ADMISSION NO. 84:** Admit that during the PSP Period You intentionally  
21 copied or procured some person or entity to copy by use of a device the contents of international  
22 electronic communications sent and received by plaintiff Hepting while in transmission within the  
23 United States without any warrant or court order authorizing You to do so.

24  
25 **REQUEST FOR ADMISSION NO. 85:** Admit that during the PSP Period You intentionally  
26 copied or procured some person or entity to copy by use of a device the contents of electronic  
27 communications sent and received by plaintiff Hepting while in transmission within the United  
28

1 States without any probable cause to believe or individualized suspicion that the communication  
2 copied contained a tasked selector.

3  
4 **REQUEST FOR ADMISSION NO. 86:** Admit that during the PSP Period You intentionally  
5 copied or procured some person or entity to copy by use of a device the contents of international  
6 electronic communications sent and received by plaintiff Hepting while in transmission within the  
7 United States without any probable cause to believe or individualized suspicion that the  
8 communication copied contained a tasked selector.

9  
10 **REQUEST FOR ADMISSION NO. 87:** Admit that during the PSP Period You caused the  
11 contents of one or more of the international electronic communications sent or received by plaintiff  
12 Hepting in the United States and copied while in transmission within the United States to be  
13 searched.

14  
15 **REQUEST FOR ADMISSION NO. 88:** Admit that during the PSP Period You caused the  
16 contents of one or more of the international electronic communications sent or received by plaintiff  
17 Hepting in the United States and copied while in transmission within the United States to be  
18 searched without any warrant or court order authorizing You to do so.

19  
20 **REQUEST FOR ADMISSION NO. 89:** Admit that during the PSP Period You caused the  
21 contents of one or more of the domestic electronic communications sent or received by plaintiff  
22 Hepting and copied while in transmission within the United States to be searched without any  
23 warrant or court order authorizing You to do so.

24  
25 **REQUEST FOR ADMISSION NO. 90:** Admit that during the PSP Period You caused the  
26 contents of one or more of the international electronic communications sent or received by plaintiff  
27 Hepting in the United States and copied while in transmission within the United States to be  
28

1 searched without any probable cause to believe or individualized suspicion that each  
2 communication searched contained the searched-for information.

3  
4 **REQUEST FOR ADMISSION NO. 91:** Admit that during the PSP Period You caused the  
5 contents of one or more of the domestic communications sent or received by plaintiff Hepting and  
6 copied while in transmission within the United States to be searched without any probable cause to  
7 believe or individualized suspicion that communication searched contained the searched-for  
8 information.

9  
10 **3. Plaintiff Knutzen**

11  
12 **REQUEST FOR ADMISSION NO. 92:** Admit that during the PSP Period, You caused one or  
13 more electronic communications sent or received by plaintiff Knutzen to be copied by use of a  
14 device while in transmission within the United States without any warrant or court order  
15 authorizing You to do so.

16  
17 **REQUEST FOR ADMISSION NO. 93:** Admit that during the PSP Period You caused the  
18 contents of one or more of the international electronic communications sent or received by plaintiff  
19 Knutzen to be copied by use of a device while in transmission within the United States without any  
20 warrant or court order authorizing You to do so.

21  
22 **REQUEST FOR ADMISSION NO. 94:** Admit that during the PSP Period, You caused one or  
23 more electronic communications sent or received by plaintiff Knutzen to be copied by use of a  
24 device while in transmission within the United States without any probable cause to believe or  
25 individualized suspicion that the communication copied contained a tasked selector.

26  
27 **REQUEST FOR ADMISSION NO. 95:** Admit that during the PSP Period You caused the  
28 contents of one or more of the international electronic communications sent or received by plaintiff

1 Knutzen to be copied by use of a device while in transmission within the United States without any  
2 probable cause to believe or individualized suspicion that the communication copied contained a  
3 tasked selector.

4  
5 **REQUEST FOR ADMISSION NO. 96:** Admit that during the PSP Period You intentionally  
6 copied or procured some person or entity to copy by use of a device the contents of electronic  
7 communications sent and received by plaintiff Knutzen while in transmission within the United  
8 States without any warrant or court order authorizing You to do so.

9  
10 **REQUEST FOR ADMISSION NO. 97:** Admit that during the PSP Period You intentionally  
11 copied or procured some person or entity to copy by use of a device the contents of international  
12 electronic communications sent and received by plaintiff Knutzen while in transmission within the  
13 United States without any warrant or court order authorizing You to do so.

14  
15 **REQUEST FOR ADMISSION NO. 98:** Admit that during the PSP Period You intentionally  
16 copied or procured some person or entity to copy by use of a device the contents of electronic  
17 communications sent and received by plaintiff Knutzen while in transmission within the United  
18 States without any probable cause to believe or individualized suspicion that the communication  
19 copied contained a tasked selector.

20  
21 **REQUEST FOR ADMISSION NO. 99:** Admit that during the PSP Period You intentionally  
22 copied or procured some person or entity to copy by use of a device the contents of international  
23 electronic communications sent and received by plaintiff Knutzen while in transmission within the  
24 United States without any probable cause to believe or individualized suspicion that the  
25 communication copied contained a tasked selector.

26  
27 **REQUEST FOR ADMISSION NO. 100:** Admit that during the PSP Period You caused the  
28 contents of one or more of the international electronic communications sent or received by plaintiff

1 Knutzen in the United States and copied while in transmission within the United States to be  
2 searched.

3  
4 **REQUEST FOR ADMISSION NO. 101:** Admit that during the PSP Period You caused the  
5 contents of one or more of the international electronic communications sent or received by plaintiff  
6 Knutzen in the United States and copied while in transmission within the United States to be  
7 searched without any warrant or court order authorizing You to do so.

8  
9 **REQUEST FOR ADMISSION NO. 102:** Admit that during the PSP Period You caused the  
10 contents of one or more of the domestic electronic communications sent or received by plaintiff  
11 Knutzen and copied while in transmission within the United States to be searched without any  
12 warrant or court order authorizing You to do so.

13  
14 **REQUEST FOR ADMISSION NO. 103:** Admit that the contents of international electronic  
15 communications sent or received by plaintiff Knutzen between the United States and New Zealand,  
16 the Netherlands, Denmark, and South Africa and copied while in transmission within the United  
17 States were among the communications You caused to be searched during the PSP Period without  
18 any warrant or court order authorizing You to do so.

19  
20 **REQUEST FOR ADMISSION NO. 104:** Admit that during the PSP Period You caused the  
21 contents of one or more of the international electronic communications sent or received by plaintiff  
22 Knutzen in the United States and copied while in transmission within the United States to be  
23 searched without any probable cause to believe or individualized suspicion that each  
24 communication searched contained the searched-for information.

25  
26 **REQUEST FOR ADMISSION NO. 105:** Admit that during the PSP Period You caused the  
27 contents of one or more of the domestic communications sent or received by plaintiff Knutzen and  
28 copied while in transmission within the United States to be searched without any probable cause to

1 believe or individualized suspicion that communication searched contained the searched-for  
2 information.

3  
4 **REQUEST FOR ADMISSION NO. 106:** Admit that the contents of international electronic  
5 communications sent or received by plaintiff Knutzen between the United States and New Zealand,  
6 the Netherlands, Denmark, and South Africa and copied while in transmission within the United  
7 States were among the communications You caused to be searched during the PSP Period without  
8 any probable cause to believe or individualized suspicion that each communication searched  
9 contained the searched-for information.

10  
11 **4. Plaintiff Walton**

12  
13 **REQUEST FOR ADMISSION NO. 107:** Admit that during the PSP Period, You caused one or  
14 more electronic communications sent or received by plaintiff Walton to be copied by use of a  
15 device while in transmission within the United States without any warrant or court order  
16 authorizing You to do so.

17  
18 **REQUEST FOR ADMISSION NO. 108:** Admit that during the PSP Period You caused the  
19 contents of one or more of the international electronic communications sent or received by plaintiff  
20 Walton to be copied by use of a device while in transmission within the United States without any  
21 warrant or court order authorizing You to do so.

22  
23 **REQUEST FOR ADMISSION NO. 109:** Admit that during the PSP Period, You caused one or  
24 more electronic communications sent or received by plaintiff Walton to be copied by use of a  
25 device while in transmission within the United States without any probable cause to believe or  
26 individualized suspicion that the communication copied contained a tasked selector.

1 **REQUEST FOR ADMISSION NO. 110:** Admit that during the PSP Period You caused the  
2 contents of one or more of the international electronic communications sent or received by plaintiff  
3 Walton to be copied by use of a device while in transmission within the United States without any  
4 probable cause to believe or individualized suspicion that the communication copied contained a  
5 tasked selector.

6  
7 **REQUEST FOR ADMISSION NO. 111:** Admit that during the PSP Period You intentionally  
8 copied or procured some person or entity to copy by use of a device the contents of electronic  
9 communications sent and received by plaintiff Walton while in transmission within the United  
10 States without any warrant or court order authorizing You to do so.

11  
12 **REQUEST FOR ADMISSION NO. 112:** Admit that during the PSP Period You intentionally  
13 copied or procured some person or entity to copy by use of a device the contents of international  
14 electronic communications sent and received by plaintiff Walton while in transmission within the  
15 United States without any warrant or court order authorizing You to do so.

16  
17 **REQUEST FOR ADMISSION NO. 113:** Admit that during the PSP Period You intentionally  
18 copied or procured some person or entity to copy by use of a device the contents of electronic  
19 communications sent and received by plaintiff Walton while in transmission within the United  
20 States without any probable cause to believe or individualized suspicion that the communication  
21 copied contained a tasked selector.

22  
23 **REQUEST FOR ADMISSION NO. 114:** Admit that during the PSP Period You intentionally  
24 copied or procured some person or entity to copy by use of a device the contents of international  
25 electronic communications sent and received by plaintiff Walton while in transmission within the  
26 United States without any probable cause to believe or individualized suspicion that the  
27 communication copied contained a tasked selector.  
28



1 **REQUEST FOR ADMISSION NO. 115:** Admit that during the PSP Period You caused the  
2 contents of one or more of the international electronic communications sent or received by plaintiff  
3 Walton in the United States and copied while in transmission within the United States to be  
4 searched.

5  
6 **REQUEST FOR ADMISSION NO. 116:** Admit that during the PSP Period You caused the  
7 contents of one or more of the international electronic communications sent or received by plaintiff  
8 Walton in the United States and copied while in transmission within the United States to be  
9 searched without any warrant or court order authorizing You to do so.

10  
11 **REQUEST FOR ADMISSION NO. 117:** Admit that during the PSP Period You caused the  
12 contents of one or more of the domestic electronic communications sent or received by plaintiff  
13 Walton and copied while in transmission within the United States to be searched without any  
14 warrant or court order authorizing You to do so.

15  
16 **REQUEST FOR ADMISSION NO. 118:** Admit that the contents of international electronic  
17 communications sent or received by plaintiff Walton between the United States and Taiwan,  
18 Canada, France, Germany, the United Kingdom, Spain, and Saudi Arabia and copied while in  
19 transmission within the United States were among the communications You caused to be searched  
20 during the PSP Period without any warrant or court order authorizing You to do so.

21  
22 **REQUEST FOR ADMISSION NO. 119:** Admit that during the PSP Period You caused the  
23 contents of one or more of the international electronic communications sent or received by plaintiff  
24 Walton in the United States and copied while in transmission within the United States to be  
25 searched without any probable cause to believe or individualized suspicion that each  
26 communication searched contained the searched-for information.

1 **REQUEST FOR ADMISSION NO. 120:** Admit that during the PSP Period You caused the  
2 contents of one or more of the domestic communications sent or received by plaintiff Walton and  
3 copied while in transmission within the United States to be searched without any probable cause to  
4 believe or individualized suspicion that communication searched contained the searched-for  
5 information.

6  
7 **REQUEST FOR ADMISSION NO. 121:** Admit that the contents of international electronic  
8 communications sent or received by plaintiff Walton between the United States and Taiwan,  
9 Canada, France, Germany, the United Kingdom, Spain, and Saudi Arabia and copied while in  
10 transmission within the United States were among the communications You caused to be searched  
11 during the PSP Period without any probable cause to believe or individualized suspicion that each  
12 communication searched contained the searched-for information.

13  
14 **5. Gregory Hicks**

15  
16 **REQUEST FOR ADMISSION NO. 122:** Admit that during the PSP Period, You caused one or  
17 more electronic communications sent or received by Gregory Hicks to be copied by use of a device  
18 while in transmission within the United States without any warrant or court order authorizing You  
19 to do so.

20  
21 **REQUEST FOR ADMISSION NO. 123:** Admit that during the PSP Period You caused the  
22 contents of one or more of the international electronic communications sent or received by Gregory  
23 Hicks to be copied by use of a device while in transmission within the United States without any  
24 warrant or court order authorizing You to do so.

25  
26 **REQUEST FOR ADMISSION NO. 124:** Admit that during the PSP Period, You caused one or  
27 more electronic communications sent or received by Gregory Hicks to be copied by use of a device  
28

1 while in transmission within the United States without any probable cause to believe or  
2 individualized suspicion that the communication copied contained a tasked selector.

3  
4 **REQUEST FOR ADMISSION NO. 125:** Admit that during the PSP Period You caused the  
5 contents of one or more of the international electronic communications sent or received by Gregory  
6 Hicks to be copied by use of a device while in transmission within the United States without any  
7 probable cause to believe or individualized suspicion that the communication copied contained a  
8 tasked selector.

9  
10 **REQUEST FOR ADMISSION NO. 126:** Admit that during the PSP Period You intentionally  
11 copied or procured some person or entity to copy by use of a device the contents of electronic  
12 communications sent and received by Gregory Hicks while in transmission within the United  
13 States without any warrant or court order authorizing You to do so.

14  
15 **REQUEST FOR ADMISSION NO. 127:** Admit that during the PSP Period You intentionally  
16 copied or procured some person or entity to copy by use of a device the contents of international  
17 electronic communications sent and received by Gregory Hicks while in transmission within the  
18 United States without any warrant or court order authorizing You to do so.

19  
20 **REQUEST FOR ADMISSION NO. 128:** Admit that during the PSP Period You intentionally  
21 copied or procured some person or entity to copy by use of a device the contents of electronic  
22 communications sent and received by Gregory Hicks while in transmission within the United  
23 States without any probable cause to believe or individualized suspicion that the communication  
24 copied contained a tasked selector.

25  
26 **REQUEST FOR ADMISSION NO. 129:** Admit that during the PSP Period You intentionally  
27 copied or procured some person or entity to copy by use of a device the contents of international  
28 electronic communications sent and received by Gregory Hicks while in transmission within the

1 United States without any probable cause to believe or individualized suspicion that the  
2 communication copied contained a tasked selector.

3  
4 **REQUEST FOR ADMISSION NO. 130:** Admit that during the PSP Period You caused the  
5 contents of one or more of the international electronic communications sent or received by Gregory  
6 Hicks in the United States and copied while in transmission within the United States to be  
7 searched.

8  
9 **REQUEST FOR ADMISSION NO. 131:** Admit that during the PSP Period You caused the  
10 contents of one or more of the international electronic communications sent or received by Gregory  
11 Hicks in the United States and copied while in transmission within the United States to be searched  
12 without any warrant or court order authorizing You to do so.

13  
14 **REQUEST FOR ADMISSION NO. 132:** Admit that during the PSP Period You caused the  
15 contents of one or more of the domestic electronic communications sent or received by Gregory  
16 Hicks and copied while in transmission within the United States to be searched without any  
17 warrant or court order authorizing You to do so.

18  
19 **REQUEST FOR ADMISSION NO. 133:** Admit that during the PSP Period You caused the  
20 contents of one or more of the international electronic communications sent or received by Gregory  
21 Hicks in the United States and copied while in transmission within the United States to be searched  
22 without any probable cause to believe or individualized suspicion that each communication  
23 searched contained the searched-for information.

24  
25 **REQUEST FOR ADMISSION NO. 134:** Admit that during the PSP Period You caused the  
26 contents of one or more of the domestic communications sent or received by Gregory Hicks and  
27 copied while in transmission within the United States to be searched without any probable cause to  
28

1 believe or individualized suspicion that communication searched contained the searched-for  
2 information.

3  
4 **II. RFAs Addressing The Copying And Searching Of Electronic Communications As Part of**  
5 **“Upstream”**

6  
7 **REQUEST FOR ADMISSION NO. 135:** Admit that You acquire electronic communications  
8 from the Internet while in transmission within the United States with the compelled assistance of  
9 electronic communications service providers.

10  
11 **REQUEST FOR ADMISSION NO. 136:** Admit that Your acquisition of electronic  
12 communications from the Internet while in transmission within the United States with the  
13 compelled assistance of electronic communications service providers is referred to as “upstream”  
14 collection.

15  
16 **REQUEST FOR ADMISSION NO. 137:** Admit that AT&T is one of the electronic  
17 communications service providers assisting You in upstream collection by copying electronic  
18 communications while in transmission within the United States over its Internet facilities.

19  
20 **REQUEST FOR ADMISSION NO. 138:** Admit that AT&T is one of the electronic  
21 communications service providers assisting You in acquiring electronic communications from the  
22 Internet while in transmission within the United States as part of Your upstream collection process.

23  
24 **REQUEST FOR ADMISSION NO. 139:** Admit that as part of Your upstream collection process  
25 You intentionally procure electronic communications service providers to copy electronic  
26 communications in transmission over the Internet within the United States.

27  
28 **REQUEST FOR ADMISSION NO. 140:** Admit that as part of Your upstream collection process

1 You cause electronic communications service providers to copy electronic communications in  
2 transmission over the Internet within the United States.

3  
4 **REQUEST FOR ADMISSION NO. 141:** Admit that as part of Your upstream collection process  
5 You cause electronic communications service providers to search the contents of electronic  
6 communications copied while in transmission over the Internet within the United States.

7  
8 **REQUEST FOR ADMISSION NO. 142:** Admit that Your upstream collection process begins  
9 with the copying by electronic communications service providers of all of the electronic  
10 communications transiting through one or more Internet facilities within the United States.

11  
12 **REQUEST FOR ADMISSION NO. 143:** Admit that, in Your upstream collection process, the  
13 copying by electronic communications service providers of all of the electronic communications  
14 transiting through one or more Internet facilities within the United States includes the  
15 communications of United States persons not targeted for surveillance.

16  
17 **REQUEST FOR ADMISSION NO. 144:** Admit that, in Your upstream collection process, the  
18 copying by electronic communications service providers of all of the electronic communications  
19 transiting through one or more Internet facilities in the United States occurs at Your direction.

20  
21 **REQUEST FOR ADMISSION NO. 145:** Admit that, in Your upstream collection process, after  
22 electronic communications service providers have copied all of the electronic communications  
23 transiting through one or more Internet facilities in the United States, the copied communications  
24 are filtered in an attempt to exclude domestic communications.

25  
26 **REQUEST FOR ADMISSION NO. 146:** Admit that, in Your upstream collection process, the  
27 filtering of copied communications does not exclude all domestic communications.  
28

1 **REQUEST FOR ADMISSION NO. 147:** Admit that the filtering of copied communications in  
2 Your upstream collection process occurs at Your direction.

3  
4 **REQUEST FOR ADMISSION NO. 148:** Admit that You determine the filtering that is  
5 performed on copied communications in Your upstream collection process.

6  
7 **REQUEST FOR ADMISSION NO. 149:** Admit that, in Your upstream collection process, after  
8 the copied communications are filtered their contents are searched for selectors.

9  
10 **REQUEST FOR ADMISSION NO. 150:** Admit that You determine the selectors that are used to  
11 search copied communications in Your upstream collection process.

12  
13 **REQUEST FOR ADMISSION NO. 151:** Admit that in Your upstream collection process You  
14 put the filtered and copied communications that contain a selector into a database.

15  
16 **REQUEST FOR ADMISSION NO. 152:** Admit that international electronic communications  
17 sent or received within the United States by plaintiffs are copied in Your upstream collection  
18 process.

19  
20 **REQUEST FOR ADMISSION NO. 153:** Admit that international electronic communications  
21 sent or received within the United States by plaintiffs pass through the filtering stage of Your  
22 upstream collection process.

23  
24 **REQUEST FOR ADMISSION NO. 154:** Admit that the contents of international electronic  
25 communications sent or received within the United States by plaintiffs are searched for selectors in  
26 Your upstream collection process.

27  
28 **REQUEST FOR ADMISSION NO. 155:** Admit that international electronic communications

1 between the United States and the countries of the United Kingdom, Germany, Indonesia, New  
2 Zealand, Australia, the Netherlands, Denmark, South Africa, Taiwan, Canada, France, Spain, and  
3 Saudi Arabia that are sent or received within the United States by plaintiffs are copied in Your  
4 upstream collection process.

5  
6 **REQUEST FOR ADMISSION NO. 156:** Admit that international electronic communications  
7 between the United States and the countries of the United Kingdom, Germany, Indonesia, New  
8 Zealand, Australia, the Netherlands, Denmark, South Africa, Taiwan, Canada, France, Spain, and  
9 Saudi Arabia that are sent or received within the United States by plaintiffs pass through the  
10 filtering stage of Your upstream collection process.

11  
12 **REQUEST FOR ADMISSION NO. 157:** Admit that the contents of international electronic  
13 communications between the United States and the countries of the United Kingdom, Germany,  
14 Indonesia, New Zealand, Australia, the Netherlands, Denmark, South Africa, Taiwan, Canada,  
15 France, Spain, and Saudi Arabia that are sent or received within the United States by plaintiffs are  
16 searched for selectors in Your upstream collection process.

17  
18 **REQUEST FOR ADMISSION NO. 158:** Admit it is possible to limit the searching of single-  
19 communication transactions to determining only whether the communication is to or from a  
20 particular selector and not whether the communication contains the selector.

21  
22 **REQUEST FOR ADMISSION NO. 159:** Admit it is possible to divide a multi-communication  
23 transaction into the individual communications that constitute it.

24  
25 **REQUEST FOR ADMISSION NO. 160:** Admit it is possible after dividing a multi-  
26 communication transaction into the individual communications that constitute it to then limit the  
27 searching of those individual communications to determining only whether the individual  
28 communication is to or from a particular selector and not whether the individual communication



contains the selector.

**REQUEST FOR ADMISSION NO. 161:** Admit that the FISC has found that, in the course of obtaining court orders from the FISC relating to Your upstream collection process, You did not fully disclose to it aspects of Your upstream collection process.

### **III. Disclosure Of Communications Records**

**REQUEST FOR ADMISSION NO. 162:** Admit that during the PSP Period You caused AT&T to disclose to You, in bulk, records and other information pertaining to subscribers or customers of its electronic communications services or remote computing services facilities without any warrant or court order or subpoena authorizing the disclosure.

**REQUEST FOR ADMISSION NO. 163:** Admit that during the PSP Period You caused AT&T to disclose to You, in bulk, telephone call records and other telephone call information pertaining to its subscribers or customers without any warrant or court order or subpoena authorizing the disclosure.

**REQUEST FOR ADMISSION NO. 164:** Admit that during the PSP Period You caused AT&T to disclose to You, in bulk, Internet records, information, and metadata pertaining to electronic communications of its subscribers or customers without any warrant or court order or subpoena authorizing the disclosure.

**REQUEST FOR ADMISSION NO. 165:** Admit that during the PSP Period You caused AT&T to disclose to You, in bulk, Internet records, information, and metadata pertaining to electronic communications transiting its Internet facilities without any warrant or court order or subpoena authorizing the disclosure.

1 **REQUEST FOR ADMISSION NO. 166:** Admit that during the PSP Period You caused AT&T  
2 to disclose to You Internet records, information, and metadata pertaining to all the electronic  
3 communications transiting one or more AT&T Internet facilities without any warrant or court order  
4 or subpoena authorizing the disclosure.

5  
6 **REQUEST FOR ADMISSION NO. 167:** Admit that during the PSP Period You caused AT&T  
7 to disclose to You, in bulk, telephone call records and other telephone call information pertaining  
8 to one or more plaintiffs without any warrant or court order or subpoena authorizing the disclosure.

9  
10 **REQUEST FOR ADMISSION NO. 168:** Admit that during the PSP Period You caused AT&T  
11 to disclose to You, in bulk, Internet records, information, and metadata pertaining to electronic  
12 communications of one or more plaintiffs without any warrant or court order or subpoena  
13 authorizing the disclosure.

14  
15 **REQUEST FOR ADMISSION NO. 169:** Admit that from July 2004 to June 2015 You caused  
16 AT&T to disclose to You, in bulk, records and other information pertaining to subscribers or  
17 customers of its electronic communications services or remote computing services facilities on  
18 authority of orders issued by the Foreign Intelligence Surveillance Court.

19  
20 **REQUEST FOR ADMISSION NO. 170:** Admit that from May 2006 to June 2015 You caused  
21 AT&T to disclose to You, in bulk, telephone call records and other telephone call information  
22 pertaining to its subscribers or customers solely on authority of orders issued by the Foreign  
23 Intelligence Surveillance Court under 50 U.S.C. § 1861.

24  
25 **REQUEST FOR ADMISSION NO. 171:** Admit that from July 2004 to December 2011 You  
26 caused AT&T to disclose to You, in bulk, Internet records, information, and metadata pertaining to  
27 electronic communications of its subscribers or customers solely on authority of orders issued by  
28 the Foreign Intelligence Surveillance Court under 50 U.S.C. § 1842.

1  
2 **REQUEST FOR ADMISSION NO. 172:** Admit that from July 2004 to December 2011 You  
3 caused AT&T to disclose to You, in bulk, Internet records, information, and metadata pertaining to  
4 electronic communications transiting its Internet facilities solely on authority of orders issued by  
5 the Foreign Intelligence Surveillance Court under 50 U.S.C. § 1842.  
6

7 **REQUEST FOR ADMISSION NO. 173:** Admit that from July 2004 to December 2011 You  
8 caused AT&T to disclose to You Internet records, information, and metadata pertaining to all the  
9 electronic communications transiting one or more AT&T Internet facilities solely on authority of  
10 orders issued by the Foreign Intelligence Surveillance Court under 50 U.S.C. § 1842.  
11

12 **REQUEST FOR ADMISSION NO. 174:** Admit that from May 2006 to June 2015 You caused  
13 AT&T to disclose to You, in bulk, telephone call records and other telephone call information  
14 pertaining to one or more plaintiffs solely on authority of orders issued by the Foreign Intelligence  
15 Surveillance Court under 50 U.S.C. § 1861.  
16

17 **REQUEST FOR ADMISSION NO. 175:** Admit that from July 2004 to December 2011 You  
18 caused AT&T to disclose to You, in bulk, Internet records, information, and metadata pertaining to  
19 electronic communications of one or more plaintiffs solely on authority of orders issued by the  
20 Foreign Intelligence Surveillance Court under 50 U.S.C. § 1842.  
21

22 **IV. RFAs Relating To Documents**  
23

24 **REQUEST FOR ADMISSION NO. 176:** Admit that the document attached as Exhibit A to the  
25 Declaration of Richard R. Wiebe, ECF No. 147, and titled "ST-09-0002 Working Draft" and dated  
26 March 24, 2009 is genuine.  
27  
28

1 **REQUEST FOR ADMISSION NO. 177:** Admit that the statements within the document  
2 attached as Exhibit A to the Declaration of Richard R. Wiebe, ECF No. 147, and titled "ST-09-  
3 0002 Working Draft" and dated March 24, 2009 were made by Your employees on matters within  
4 the scope of their employment during the course of their employment.

5  
6 **REQUEST FOR ADMISSION NO. 178:** Admit that the statements within the document  
7 attached as Exhibit A to the Declaration of Richard R. Wiebe, ECF No. 147, and titled "ST-09-  
8 0002 Working Draft" and dated March 24, 2009 were made by persons You authorized to make  
9 statements on the subjects of the statements within the document.

10  
11 **REQUEST FOR ADMISSION NO. 179:** Admit that Exhibit A attached to the Declaration of  
12 Mark Klein, ECF No. 84, is genuine.

13  
14 **REQUEST FOR ADMISSION NO. 180:** Admit that the statements within Exhibit A attached to  
15 the Declaration of Mark Klein, ECF No. 84, were made by an employee of AT&T on matters  
16 within the scope of his employment during the course of his employment.

17  
18 **REQUEST FOR ADMISSION NO. 181:** Admit that the statements within Exhibit A attached to  
19 the Declaration of Mark Klein, ECF No. 84, were made by AT&T while AT&T was serving as  
20 Your agent on matters within the scope of the agency and during the course of the agency.

21  
22 **REQUEST FOR ADMISSION NO. 182:** Admit that Exhibit B attached to the Declaration of  
23 Mark Klein, ECF No. 84, is genuine.

24  
25 **REQUEST FOR ADMISSION NO. 183:** Admit that the statements within Exhibit B attached to  
26 the Declaration of Mark Klein, ECF No. 84, were made by an employee of AT&T on matters  
27 within the scope of his employment during the course of his employment.  
28

1 **REQUEST FOR ADMISSION NO. 184:** Admit that the statements within Exhibit B attached to  
2 the Declaration of Mark Klein, ECF No. 84, were made by AT&T while AT&T was serving as  
3 Your agent on matters within the scope of the agency and during the course of the agency.  
4

5 **REQUEST FOR ADMISSION NO. 185:** Admit that Exhibit C attached to the Declaration of  
6 Mark Klein, ECF No. 84, is genuine.  
7

8 **REQUEST FOR ADMISSION NO. 186:** Admit that the statements within Exhibit C attached to  
9 the Declaration of Mark Klein, ECF No. 84, were made by an employee of AT&T on matters  
10 within the scope of his employment during the course of his employment.  
11

12 **REQUEST FOR ADMISSION NO. 187:** Admit that the statements within Exhibit C attached to  
13 the Declaration of Mark Klein, ECF No. 84, were made by AT&T while AT&T was serving as  
14 Your agent on matters within the scope of the agency and during the course of the agency.  
15

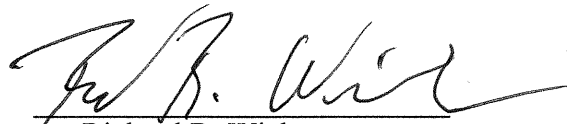
16 **V. Other RFAs**  
17

18 **REQUEST FOR ADMISSION NO. 188:** Admit that plaintiffs are “aggrieved persons” within  
19 the meaning of 18 U.S.C. § 2510(11).  
20

21 **REQUEST FOR ADMISSION NO. 189:** Admit that You have never repudiated the legal  
22 analysis that allegedly provided legal support for failing to seek a court order from the FISC for the  
23 copying, acquisition, and searching of electronic communications and communications records  
24 during the PSP Period.  
25

26 **REQUEST FOR ADMISSION NO. 190:** Admit that, as long as the Authorization to Use  
27 Military Force is the law, Your position is that the President has the authority to conduct electronic  
28 surveillance of persons in the United States without a warrant or other court order.

1  
2 DATE: June 17, 2016  
3

4   
Richard R. Wiebe

5 CINDY COHN  
6 DAVID GREENE  
7 LEE TIEN  
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