



EISENBERG AND HANCOCK, LLP

May 7, 2010

The Honorable Vaughn R. Walker
Chief Judge, United States District Court
Northern District of California
450 Golden Gate Ave.
San Francisco, CA 94102

Re: *Al-Haramain Islamic Foundation, Inc., et al. v. Obama, et al.*,
C07-CV-0109-VRW; *National Security Agency Telecommunications
Records Litigation*, MDL Docket No. 06-1791 VRW

Dear Chief Judge Walker:

We write to advise the Court that if the judgment in this case includes (as we have proposed consistent with the Court's order of March 31, 2010, Dkt. #115 at 45) a determination that plaintiffs shall be entitled to recover reasonable attorney's fees and other investigation and litigation costs pursuant to 50 U.S.C. § 1810, *see* Plaintiffs' Proposed Judgment, Dkt. #117 at ¶ 8, plaintiffs are willing to stipulate that the filing of plaintiffs' motion to determine the amount of those fees and costs shall be deferred until the completion of proceedings on an appeal from the judgment (if an appeal is filed) and that the judgment may reflect that stipulation.

We also advise the Court that if it is the Court's wish that plaintiffs file a reply to the Government Defendants' Response In Opposition To Plaintiffs' Proposed Judgment And Re: Alternative Form Of Judgment, Dkt. #119, to which the Court's order of March 31, 2010 does not provide for a reply, plaintiffs are prepared to file a reply expeditiously.

Respectfully submitted,

A handwritten signature in blue ink that reads "Jon B. Eisenberg".

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CERTIFICATE OF SERVICE

**RE: In Re National Security Agency Telecommunications Records Litigation,
MDL Docket No. 06-1791 VRW; and,
Al-Haramain Islamic Foundation, Inc., et al. v. Obama, et al.,
Docket Number C07-CV-0109-VRW.**

I am a citizen of the United States and employed in the County of San Francisco, State of California. I am over eighteen (18) years of age and not a party to the above-entitled action. My business address is Eisenberg and Hancock, LLP, 180 Montgomery Street, Suite 2200, San Francisco, CA, 94104. On the date set forth below, I served the following documents in the manner indicated on the below named parties and/or counsel of record:

- **CORRESPONDENCE TO JUDGE VAUGHN R. WALKER DATED MAY 7, 2010**

— **Facsimile** transmission from (415) 544-0201 during normal business hours, complete and without error on the date indicated below, as evidenced by the report issued by the transmitting facsimile machine.

— **U.S. Mail**, with First Class postage prepaid and deposited in a sealed envelope at San Francisco, California.

XX **By ECF:** I caused the aforementioned documents to be filed via the Electronic Case Filing (ECF) system in the United States District Court for the Northern District of California, on all parties registered for e-filing in *In Re National Security Agency Telecommunications Records Litigation*, Docket Number M:06-cv-01791 VRW, and *Al-Haramain Islamic Foundation, Inc., et al. v. Obama, et al.*, Docket Number C07-CV-0109-VRW.

I am readily familiar with the firm's practice for the collection and processing of correspondence for mailing with the United States Postal Service, and said correspondence would be deposited with the United States Postal Service at San Francisco, California that same day in the ordinary course of business.

I declare under penalty of perjury that the foregoing is true and correct. Executed on May 7, 2010 at San Francisco, California.

/s/SUSAN NEFF
SUSAN NEFF