

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

CIVIL MINUTE ORDER

AMENDED

VAUGHN R. WALKER
United States District Chief Judge

DATE: November 17, 2006

COURTROOM DEPUTY: Cora Delfin

Court Reporter: Connie Kuhl

MDL NO. 06-1791

**In Re NATIONAL SECURITY AGENCY TELECOMMUNICATIONS RECORDS
LITIGATION AND ALL RELATED CASES**

COUNSEL FOR PLAINTIFF:

Cindy Cohn, Lee Tien
Barry Himmelstein
Laurence Pulgram
Mark Guzzi, Peggy Whipple
Jacob Perkinson
Jon Eisenberg

COUNSEL FOR DEFENDANT:

AT&T : Bruce Ericson, Bradford Berenson
Ann Brick, Harvey Grossman,
Edward McNicholas
USA: Carl Nichols, A. Coppolino
TDS TELECOMM: E Garth Black
Cyrus Wadia
VERIZON: John Andrew Rogovin
Samir Jain
BELL SOUTH: Douglas Young
Michael Kenny
SPRINT: John Kester
COMCAST: Christopher Soriano
CHARTER COMM: Thomas Burke

PROCEEDINGS:

The court heard argument on the following:

- (1) whether the government intends to assert the state secrets privilege in all of the cases transferred pursuant to MDL 1791;
- (2) whether plaintiffs intend to file consolidated/master complaints;
- (3) what issues in these cases may be resolved without implicating the state secrets privilege, if asserted;
- (4) what discovery may proceed and how it should be coordinated;
- (5) issues related to the plaintiffs' proposed organizational structure;

RESULTS:

The court also sets the following schedule:

All parties to SHOW CAUSE in writing why the <u>Hepting</u> order should not apply to all cases and claims to which the government asserts the state secrets privilege	December 14, 2006 January 25, 2007
Hearing on motions to remand brought by plaintiffs in <u>Riordan</u> , 06-3574, <u>Campbell</u> , 06-3596, <u>Chalsky</u>, 06-2530, and <u>Bready</u>, 06-6313	December 21, 2006, at 2:00 pm
Hearing on media intervenors' motions to unseal documents in <u>Hepting</u> , 06-672	December 21, 2006, at 2:00 pm
Master complaints to be served and filed by plaintiffs	January 8, 2007
Hearing on the government's motion for a stay pending disposition of interlocutory appeal in <u>Hepting</u>	February 1, 2007, at 2:00 pm
Hearing on the court's order to SHOW CAUSE why the <u>Hepting</u> order should not apply to all cases and claims to which the government asserts the state secrets privilege	February 1, 2007, at 2:00 pm