

1 WILLIAMS & CONNOLLY LLP  
2 Brendan V. Sullivan, Jr. (admitted pro hac vice)<sup>1</sup>  
3 John G. Kester  
4 Gilbert O. Greenman  
5 725 Twelfth Street, N.W.  
6 Washington, DC 20005  
7 Telephone: (202) 434-5000  
8 Email: [jkester@wc.com](mailto:jkester@wc.com); [ggreenman@wc.com](mailto:ggreenman@wc.com)

9 Attorneys for Sprint Nextel Corporation, Nextel West Corp.,  
10 Sprint Communications Company L.P., and Sprint Spectrum L.P.

11 [THE NAMES, ADDRESSES, AND TELEPHONE  
12 NUMBERS OF OTHER COUNSEL ARE LISTED  
13 ON THE SIGNATURE PAGE.]

14 **UNITED STATES DISTRICT COURT**  
15 **NORTHERN DISTRICT OF CALIFORNIA**  
16 **SAN FRANCISCO DIVISION**

17 In re:  
18 NATIONAL SECURITY AGENCY  
19 TELECOMMUNICATIONS RECORDS  
20 LITIGATION

MDL Dkt. No. 06-1791-VRW

**JOINDER IN MOTION FOR A STAY  
PENDING DISPOSITION OF  
INTERLOCUTORY APPEAL [Dkt. 67]**

21 This document relates to:  
22 ALL CASES

23 Date: February 1, 2007  
24 Time: 2:00 p.m.  
25 Courtroom: 6, 17th Floor  
26 Judge: Hon. Vaughn R. Walker

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28 <sup>1</sup> Brendan V. Sullivan, Jr. has been admitted pro hac vice in the Suchanek action but not in the other actions in this MDL proceeding.

1 The Sprint Defendants,<sup>2</sup> the BellSouth Defendants,<sup>3</sup> the Cingular Defendants,<sup>4</sup> Charter  
2 Communications, LLC, and Bright House Networks, LLC, through undersigned counsel, respectfully  
3 join the November 6, 2006 motion of the United States requesting that this Court stay the proceedings in  
4 this multidistrict litigation proceeding pending disposition of the interlocutory appeal in Hepting v.  
5 AT&T Corp., No. C-06-0672-VRW. These actions should be stayed in their entirety because, whatever  
6 the Ninth Circuit's decision in the Hepting appeal, the Court of Appeals' opinion is likely to have  
7 determinative effects on (1) the legal issues that will be presented in motions to dismiss in the remaining  
8 actions and (2) the scope of discovery permitted, if any. If motions to dismiss were to proceed at this  
9 time and the motions were unsuccessful, the parties inevitably would file new motions for judgment on  
10 the pleadings pursuant to Federal Rule of Civil Procedure 12(c) immediately after the Ninth Circuit rules  
11 on the Hepting appeal. Rather than require two rounds of briefing and decision on the sufficiency of the  
12 consolidated complaints, the undersigned defendants respectfully submit that the most efficient course at  
13 this juncture is to stay further proceedings pending the outcome of the Hepting appeal. Doing so also  
14 will avoid the significant jurisdictional issues described in detail in the Government's brief in support of  
15 a stay.

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19 The undersigned Defendants concur in the arguments set forth in the Government's motion and  
20 adopt and incorporate them in full.  
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25 <sup>2</sup> The Sprint Defendants are Sprint Nextel Corporation, Nextel West Corp., Sprint  
26 Communications Company L.P., and Sprint Spectrum L.P.

27 <sup>3</sup> The BellSouth Defendants are BellSouth Corp., BellSouth Telecommunications, Inc., and  
28 BellSouth Communications System, LLC.

<sup>4</sup> The Cingular Defendants are New Cingular Wireless Services, Inc., Cingular Wireless LLC,  
and Cingular Wireless Corporation.



