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11
 12 **UNITED STATES DISTRICT COURT**
 13 **NORTHERN DISTRICT OF CALIFORNIA**
 14 **SAN FRANCISCO DIVISION**

15)	No. M:06-cv-01791-VRW
16)	EXHIBIT 1 TO
17)	
18)	
19)	
20)	GOVERNMENT DEFENDANTS'
21)	REPLY IN SUPPORT OF RENEWED
22)	MOTION TO DISMISS AND FOR
23)	SUMMARY JUDGMENT
24)	Date: December 15, 2009
25)	Time: 2:00 p.m.
26)	Courtroom: 6, 17 th Floor
27)	Chief Judge Vaughn R. Walker
28)	



U.S. Department of Justice
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May 11, 2007

VIA EMAIL AND FIRST CLASS MAIL

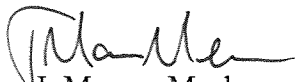
Ilann M. Maazel
Emery Celli Brinckerhoff & Abady LLP
545 Madison Ave., 3rd Floor
New York, NY 10022

Re: *Shubert v. Bush*, 07-cv-00693-VRW

Dear Ilann,

I write to confirm the substance of our conversation yesterday regarding the individual capacity claims asserted against the defendants in the referenced action. Because the United States Government will be asserting the state secrets privilege in this proceeding, the individual capacity claims may not proceed until after the court rules on the state secrets assertion. If the court's ruling on the state secrets issue does not dispose of the individual capacity claims, then the defendants will respond to those claims.

Sincerely,


J. Marcus Meeks