

E-Filed

1 PETER D. KEISLER
 Assistant Attorney General, Civil Division
 2 CARL J. NICHOLS
 Deputy Assistant Attorney General
 3 DOUGLAS N. LETTER
 Terrorism Litigation Counsel
 4 JOSEPH H. HUNT
 Director, Federal Programs Branch
 5 ANTHONY J. COPPOLINO
 Special Litigation Counsel
 6 ANDREW H. TANNENBAUM
 ALEXANDER K. HAAS (SBN 220932)
 7 Trial Attorneys
 Email: alexander.haas@usdoj.gov
 8 U.S. Department of Justice
 Civil Division, Federal Programs Branch
 9 20 Massachusetts Avenue, NW
 Washington, D.C. 20001
 10 Phone: (202) 514-4782/(202) 307-3937
 Fax: (202) 616-8470/(202) 616-8202
 11 *Attorneys for Federal Defendants Sued in their Official Capacities,*
the Federal Intervenor-Defendants (United States of America,
 12 *National Security Agency, President George W. Bush), and the*
United States of America as Plaintiff against state officials

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

16
 17 IN RE NATIONAL SECURITY AGENCY)
 TELECOMMUNICATIONS RECORDS)
 18 LITIGATION)

No. M:06-cv-01791-VRW

**STIPULATION FOR A ONE WEEK
 EXTENSION FOR THE UNITED
 STATES' AND STATE OFFICIALS'
 RESPONSES IN THE SCHEDULING
 ORDER [Dkt. 219]; AND ~~PROPOSED~~
 ORDER**

19
 20 This Document Relates To:

21 *United States v. Rabner, et al.* (07-1324);)
United States v. Gaw, et al. (07-1242);)
 22 *United States v. Adams, et al.* (07-1323);)
United States v. Palermino, et al. (07-1326);)
 23 *United States v. Volz, et al.* (07-1396);)
Clayton, et al. v. AT&T Communications of the)
 24 *Southwest, Inc., et al.* (07-1187))

Courtroom: 6, 17th Floor
 Judge: Hon. Vaughn R. Walker
 Hearing: June 21, 2007; 2 p.m.

25
 26
 27
 28 **No. M:06-cv-01791-VRW—STIPULATION FOR A ONE WEEK EXTENSION FOR THE UNITED
 STATES' AND STATE OFFICIALS' RESPONSES IN THE SCHEDULING ORDER [Dkt. 219]; AND
 [PROPOSED] ORDER**

1 **RECITALS**

2 A. On March 26, 2007, the Court entered a scheduling order directing the United
3 States and State Officials to engage in further briefing in the above-captioned "State Cases."
4 *See* Scheduling Order, Dkt. 219.

5 B. That Order directed the United States and State Officials to (i) complete any
6 outstanding briefing in the State Cases by April 5, 2007; (ii) file consolidated briefs addressing
7 Ninth Circuit law and other matters not previously addressed by April 26, 2007; and (iii) file
8 responses to the other side's consolidated brief by May 27, 2007. *See id.*

9 C. The Court later clarified the response date for the United States and State Officials
10 would be May 25, 2007, because May 27, 2007, is a Sunday on a holiday weekend. *See* Order,
11 Dkt. 280.

12 D. Undersigned counsel for the United States has been involved in drafting each of
13 the United States' filings in the State Cases. Undersigned counsel for the United States suffered
14 a death in the family—his grandfather—on May 19, 2007. Being the sole direct descendant,
15 undersigned counsel has been occupied with memorial and other arrangements, including an out-
16 of-state service later this week.

17 E. In light of the foregoing, undersigned counsel requested consent from the counsel
18 for the State Officials that the filing date of the final response briefs for both the United States
19 and State Officials be extended by one week, from May 25, 2007 to June 1, 2007, with the brief
20 to be filed by Noon, Pacific Time. The State Officials consented to the requested extension.

21 F. Aside from seeking clarification of the response date, no party has previously
22 sought to modify the Scheduling Order [Dkt. 219]. The requested extension does not seek to
23 alter the hearing date in these State Cases, which is now set for June 21, 2007.

24 **STIPULATION**

25 The United States, through its attorneys of record, and the State Officials, through their
26 attorneys of record, hereby stipulate to the following extension of the briefing schedule and
27 request that the Court make this stipulation an order of the Court:

28

No. M:06-cv-01791-VRW—STIPULATION FOR A ONE WEEK EXTENSION FOR THE UNITED
STATES' AND STATE OFFICIALS' RESPONSES IN THE SCHEDULING ORDER [Dkt. 219]; AND
[PROPOSED] ORDER

1 1. The United States and State Officials shall e-file their responses to the opposing
2 side's consolidated brief no later than June 1, 2007, at Noon, Pacific Time.

3 DATED: May 22, 2007

Respectfully Submitted,

4 PETER D. KEISLER
5 Assistant Attorney General, Civil Division
6 CARL J. NICHOLS
7 Deputy Assistant Attorney General
8 DOUGLAS N. LETTER
9 Terrorism Litigation Counsel
10 JOSEPH H. HUNT
11 Director, Federal Programs Branch
12 ANTHONY J. COPPOLINO
13 Special Litigation Counsel
14 ANDREW H. TANNENBAUM
15 ALEXANDER K. HAAS (SBN 220932)
16 Trial Attorneys
17 U.S. Department of Justice
18 Civil Division, Federal Programs Branch
19 20 Massachusetts Avenue, NW
20 Washington, D.C. 20001
21 Phone: (202) 514-4782 — Fax: (202) 616-8460
22 Email: tony.coppolino@usdoj.gov

23 By: /s/ Alexander K. Haas
24 Alexander K. Haas
25 Attorneys for United States of America, National
26 Security Agency, President George W. Bush

27 ROBERT CLAYTON, III
28 STEVE GAW
Commissioners, Missouri Public Service
Commission

By: /s/ Peggy A. Whipple per G.O. 45
Peggy A. Whipple
Missouri Bar No. 54758
peggy.whipple@psc.mo.gov
Jennifer Heintz
Missouri Bar No. 57128
jennifer.heintz@psc.mo.gov
P. O. Box 360
Jefferson City, MO 65102
Tel: (573) 526-6715 — Fax: (573) 751-9285

G. STEVEN ROWE
ATTORNEY GENERAL OF MAINE
State House Station 6
Augusta, Maine 04333

1 By: /s/ Linda J. Conti per G.O. 45
Linda J. Conti
2 Christopher C. Taub
3 Assistant Attorneys General

4 STUART RABNER
5 ATTORNEY GENERAL OF NEW
JERSEY

6 By: /s/ Patrick DeAlmeida per G.O. 45
Patrick DeAlmeida
7 Assistant Attorney General
8 R. J. Hughes Justice Complex
25 Market Street
9 Trenton, NJ 08625
Tel: (609) 292-8576

10 Anthony J. Palermino, Donald W. Downes, Jack R.
11 Goldberg, John W. Betkoski III, Anne C. George,
12 Commissioners Connecticut Department of Public
Utility Control

13 RICHARD BLUMENTHAL
14 ATTORNEY GENERAL
STATE OF CONNECTICUT

15 By: /s/ Tatiana D. Eirmann per G.O. 45
Tatiana D. Eirmann
16 Assistant Attorney General
17 Federal Bar No. ct03398
10 Franklin Square
18 New Britain, CT 06051
Tel: (860) 827-2620 — Fax: (860) 827-2893

19 STATE OF VERMONT
20 WILLIAM H. SORRELL
ATTORNEY GENERAL

21 By: /s/ Michael N. Donofrio per G.O. 45
22 Mark J. DiStefano
23 Michael N. Donofrio
Assistant Attorneys General
24 109 State Street
Montpelier, VT 05609
25 Tel: (802) 828-3171
Counsel for Defendants James Volz,
26 David C. Coen, John D. Burke, and David O'Brien

DECLARATION PURSUANT TO GENERAL ORDER 45, § X.B

I, ALEXANDER K. HAAS, hereby declare pursuant to General Order 45, § X.B, that I have obtained the concurrence in the filing of this document from each of the other signatories listed above and below.

I declare under penalty of perjury that the foregoing declaration is true and correct.

Executed on May 22, 2007, in the City of Washington, District of Columbia.

PETER D. KEISLER
Assistant Attorney General, Civil Division
CARL J. NICHOLS
Deputy Assistant Attorney General
DOUGLAS N. LETTER
Terrorism Litigation Counsel
JOSEPH H. HUNT
Director, Federal Programs Branch
ANTHONY J. COPPOLINO
Special Litigation Counsel
ANDREW H. TANNENBAUM
ALEXANDER K. HAAS (SBN 220932)
Trial Attorneys
U.S. Department of Justice
Civil Division, Federal Programs Branch
20 Massachusetts Avenue, N.W., Rm. 7328
Washington, DC 20001
Telephone: (202) 514-4782 — Fax: (202) 616-8460
Email: tony.coppolino@usdoj.gov

By: /s/ Alexander K. Haas
Alexander K. Haas
Attorneys for United States of America, National
Security Agency, President George W. Bush

ROBERT CLAYTON, III
STEVE GAW
Commissioners, Missouri Public Service
Commission

By: /s/ Peggy A. Whipple per G.O. 45
Peggy A. Whipple
Missouri Bar No. 54758
peggy.whipple@psc.mo.gov
Jennifer Heintz
Missouri Bar No. 57128
P. O. Box 360
Jefferson City, MO 65102
Tel: (573) 526-6715 — Fax: (573) 751-9285

1 G. STEVEN ROWE
2 ATTORNEY GENERAL OF MAINE
3 State House Station 6
4 Augusta, Maine 04333

5 By: /s/ Linda J. Conti per G.O. 45
6 Linda J. Conti
7 Christopher C. Taub
8 Assistant Attorneys General

9 STUART RABNER
10 ATTORNEY GENERAL OF NEW JERSEY

11 By: /s/ Patrick DeAlmeida per G.O. 45
12 Patrick DeAlemeida
13 Assistant Attorney General
14 R. J. Hughes Justice Complex
15 25 Market Street
16 Trenton, NJ 08625
17 Tel: (609) 292-8576

18 Anthony J. Palermino, Donald W. Downes, Jack R.
19 Goldberg, John W. Betkoski III, Anne C. George,
20 Commissioners Connecticut Department of Public
21 Utility Control

22 RICHARD BLUMENTHAL,
23 ATTORNEY GENERAL OF CONNECTICUT

24 By: /s/ Tatiana D. Eirmann per G.O. 45
25 Tatiana D. Eirmann
26 Assistant Attorney General
27 Federal Bar No. ct03398
28 10 Franklin Square
New Britain, CT 06051
Tel: (860) 827-2620 — Fax: (860) 827-2893

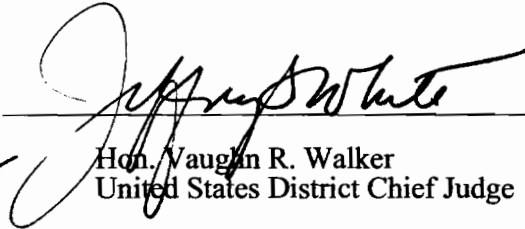
WILLIAM H. SORRELL,
ATTORNEY GENERAL OF VERMONT

By: /s/ Michael N. Donofrio per G.O. 45
Mark J. DiStefano
Michael N. Donofrio
Assistant Attorneys General
109 State Street
Montpelier, VT 05609
Tel: (802) 828-3171
Counsel for Defendants James Volz, David C.
Coen, John D. Burke, and David O'Brien

[PROPOSED] ORDER

Pursuant to the foregoing stipulation, and good cause appearing,
IT IS SO ORDERED.

Dated: May 23 2007.

For 

Hon. Vaughn R. Walker
United States District Chief Judge

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28