

Ilann M. Maazel  
Matthew D. Brinckerhoff  
Emery Celli Brinckerhoff & Abady LLP  
75 Rockefeller Plaza, 20<sup>th</sup> Floor  
New York, New York 10019  
Telephone: (212) 763-5000  
Facsimile: (212) 763-5001  
Attorneys for Plaintiffs

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

IN RE NATIONAL SECURITY AGENCY )  
TELECOMMUNICATIONS RECORDS )  
LITIGATION )

MDL Dkt. No. 06-1791-VRW

This Document Relates to: )

**STIPULATION AND  
ORDER TO EXTEND  
DEADLINES FOR MOTION TO  
DISMISS AND RELATED  
BRIEFING IN SHUBERT V.  
BUSH, CASE NO. 07-693**

VIRGINIA SHUBERT, NOHA ARAFA, )  
SARAH DRANOFF and HILARY )  
BOTEIN, individually and on behalf of all )  
others similarly situated, )

Plaintiffs, )

-against - )

GEORGE W. BUSH, MICHAEL V. )  
HAYDEN, KEITH B. ALEXANDER, )  
ALBERTO GONZALES, JOHN )  
ASHCROFT, UNITED STATES OF )  
AMERICA, and JOHN/JANE )  
DOES #1-100 (07-693) )  
----- )

Courtroom: 6  
Hon. Vaughn R. Walker

**RECITALS**

1. The Court ordered the Government in Shubert v. Bush, Case No. 07-693 to answer or otherwise respond to the complaint not later than March 29, 2007. Pursuant to the Government's request, Plaintiffs agreed to (and the Court so ordered) a modified schedule that

permitted the Government to file a dispositive motion by May 18, 2007.

2. Under the modified schedule, Plaintiffs' opposition was due on July 13, 2007. However, in light of the recent Sixth Circuit opinion in ACLU v. NSA, 2007 WL 1952370 (6<sup>th</sup> Cir. July 6, 2007), Plaintiffs requested and the Government agrees to an extension of single week for Plaintiffs to oppose the motion, to July 20, 2007, on the condition that the Government receives the revised reply date stipulated to in Paragraph 3

3. In light of their obligations to file briefs in this Court in CCR and Verizon, to file a brief in Al-Haramain in the Ninth Circuit, the oral argument in CCR before this Court on August 9, and an oral argument in the Ninth Circuit on August 15, the Government has requested and Plaintiffs agree to provide the Government until August 16, 2007 to file a reply brief in this case. The Government agrees to this revised schedule only if they have until August 16 to file their reply brief.

4. Oral argument is scheduled for August 30, 2007. As required by the Court's local rules, the reply under this schedule will be filed 14 days in advance of oral argument.

#### STIPULATION

Plaintiffs, through their counsel, and the Government, through their attorneys of record, hereby stipulate to the following schedule and request that the Court make this stipulation an order of the Court:

1. On or before July 20, 2007, Plaintiffs will file an opposition to the Government's dispositive motion in Shubert v. Bush, Case No. 07-693.
2. On or before August 16, 2007, the Government will a reply brief in support of its

dispositive motion.


**DECLARATION PURSUANT TO GENERAL ORDER 45, § X.B**

I, Ilann M. Maazel, 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 below.

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

Executed on July 12, 2007, in the City of New York, New York.

EMERY CELLI BRINCKERHOFF  
& ABADY LLP

By:   
Ilann M. Maazel (IM-5724)  
Matthew D. Brinckerhoff (MB-3552)

75 Rockefeller Plaza, 20<sup>th</sup> Floor  
New York, N.Y. 10019  
(212) 763-5000

*Attorneys for Plaintiffs*

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  
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) 618-8460  
Email: [tony.coppolino@usdoj.gov](mailto:tony.coppolino@usdoj.gov)

By: */s/ Anthony J. Coppolino*  
Anthony J. Coppolino

Attorneys for United States of America, National  
Security Agency, President George W. Bush

Dated: July 12, 2007  
New York, New York

~~PROPOSED~~ ORDER

Pursuant to the foregoing stipulation, and good cause appearing, it is hereby ORDERED that:

1. On or before July 20, 2007, Plaintiffs will file an opposition to the Government's dispositive motion in Shubert v. Bush, Case No. 07-693.
2. On or before August 16, 2007, the Government will a reply brief in support of its dispositive motion.

IT IS SO ORDERED.

Dated: July 13, 2007

