

1 SIDLEY AUSTIN LLP  
David W. Carpenter\*  
2 Bradford A. Berenson\*  
David L. Lawson\*  
3 Edward R. McNicholas\*  
Eric A. Shumsky #206164  
4 1501 K Street, N.W.  
Washington, DC 20005  
5 Tel: (202) 736-8000  
Fax: (202) 736-8711  
6 bberenson@sidley.com

WILMER CUTLER PICKERING HALE AND DORR  
LLP  
Randolph D. Moss\*  
Samir C. Jain # 181572  
Brian M. Boynton # 222193  
Catherine M.A. Carroll\*  
1875 Pennsylvania Ave, N.W.  
Washington, DC 20006  
Tel.: (202) 663-6000  
Fax: (202) 663-6363  
randolph.moss@wilmerhale.com

7 PILLSBURY WINTHROP SHAW PITTMAN LLP  
Bruce A. Ericson #76342  
8 Jacob R. Sorensen #209134  
Marc H. Axelbaum #209855  
9 50 Fremont Street  
Post Office Box 7880  
10 San Francisco, CA 94120  
Tel.: (415) 983-1000  
11 Fax: (415) 983-1200  
12 bruce.ericson@pillsburylaw.com

MUNGER, TOLLES & OLSON LLP  
Henry Weissmann # 132418  
Susan R. Szabo # 155315  
Aimee A. Feinberg # 223309  
355 South Grand Avenue  
35th Floor  
Los Angeles, CA 90071  
Tel.: (213) 683-9100  
Fax: (213) 683-5150  
henry.weissmann@mto.com

13 Attorneys for the AT&T Defendants

Attorneys for the Verizon Defendants

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

**STIPULATION AND ~~PROPOSED~~  
ORDER EXTENDING RESPONSE DATE  
FOR THE TELECOMMUNICATION  
CARRIERS**

21 This Document Relates To:

[Civil L.R. 6-1(b); 7-12]

22 *McMurray v. Verizon Communications, Inc., et*  
23 *al.*, No. 09-cv-0131-VRW

Courtroom: 6, 17<sup>th</sup> Floor  
Judge: Hon. Vaughn R. Walker

1 **RECITALS**

2 A. On July 10, 2008, Plaintiffs Rev. Joe McMurray, et al. (“*McMurray* Plaintiffs”), filed  
3 a complaint against Defendants Cellco Partnership; Verizon Communications Inc. (“Verizon”);  
4 BellSouth Corporation, AT&T Corporation, and AT&T Inc. (collectively, “the AT&T Defendants”);  
5 George W. Bush, “individually in his executive capacity and as representative of the United States  
6 of America,” and the National Security Agency (collectively, the “Government Defendants”) in the  
7 United States District Court for the Southern District of New York. *See McMurray v. Verizon*  
8 *Communications, Inc., et al.*, No. 08-cv-006264 (S.D.N.Y.).

9 B. On December 19, 2008, the Judicial Panel on Multidistrict Litigation transferred  
10 *McMurray* to this MDL.

11 C. On January 21, 2009, this Court approved (a) the parties’ joint stipulation providing  
12 that no defendant need answer or otherwise respond to the complaint in *McMurray* until March 19,  
13 2009, and (b) Plaintiffs’ dismissal without prejudice of Defendant Cellco Partnership from the  
14 action. *See* Dkt. No. 550 in 06-cv-01791.

15 D. On February 6, 2009, the United States filed an administrative motion to treat  
16 *McMurray* as subject to the United States’ pending motion to dismiss all cases against the  
17 telecommunication carrier defendants pursuant to § 802 of the Foreign Intelligence Surveillance Act  
18 of 1978 Amendments Act of 2008, Pub. L. No. 110-261, 122 Stat. 2436 (“FISAAA” or “Act”). *See*  
19 Dkt. No. 557 in 06-cv-01791. The Plaintiffs opposed this motion. *See* Dkt. 561.

20 E. On February 19, 2009, this Court denied the United States’ administrative motion and  
21 provided that the “United States shall have until April 3, 2009 to plead or otherwise respond to the  
22 complaint in this individual action.” Dkt. No. 565 in 06-cv-01791.

23 F. The parties believe that it will promote efficiency if Verizon and the AT&T  
24 Defendants (collectively the “Telecommunication Carrier Defendants”) are granted the same  
25 extension of time within which to answer or otherwise respond to the complaint in *McMurray*.

26 G. Neither Plaintiffs nor Defendants intend this stipulation to waive any procedural or  
27 substantive defenses, rights or objections, including, but not limited to, the right to challenge  
28 personal jurisdiction over any particular Defendant.



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

2 I, MARC H. AXELBAUM, hereby declare pursuant to General Order 45, § X.B, that I have  
3 obtained the concurrence in the filing of this document from the other signatories listed below.

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

5 Executed on February 27, 2009, at San Francisco, CA.

6 /s/ Marc H. Axelbaum  
7 Marc H. Axelbaum

8 **WILMER CUTLER PICKERING HALE  
AND DORR LLP**

9 Randolph D. Moss (pro hac vice)  
10 Samir C. Jain # 181572  
11 Brian M. Boynton # 222193  
12 Catherine M.A. Carroll (pro hac vice)  
13 1875 Pennsylvania Ave, N.W.  
14 Washington, DC 20006  
15 Tel.: (202) 663-6000  
16 Fax: (202) 663-6363  
17 randolph.moss@wilmerhale.com

18 By: /s/ Samir C. Jain per G.O. 45  
19 Samir C. Jain

20 **MUNGER, TOLLES & OLSON LLP**

21 Henry Weissmann # 132418  
22 Susan R. Szabo # 155315  
23 Aimee A. Feinberg # 223309  
24 355 South Grand Avenue, 35th Floor  
25 Los Angeles, CA 90071  
26 Tel.: (213) 683-9100  
27 Fax: (213) 683-5150  
28 henry.weissmann@mto.com

*Attorneys for Verizon*

By: /s/ Bruce I. Afran per G.O. 45  
Bruce I. Afran

BRUCE I. AFRAN, Esq.  
10 Braeburn Drive  
Princeton, NJ 08540  
Telephone: (609) 924-2075

MAYER LAW GROUP, LLC  
CARL J. MAYER  
66 Witherspoon Street, Suite 414

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Princeton, NJ 08542  
Telephone: (609) 921-8025  
Facsimile: (609) 921-6964

THE LAW OFFICES OF STEVEN E.  
SCHWARZ, ESQ., LLC  
Steven E. Schwarz, Esq.  
2461 W. Foster Ave., #1W  
Chicago, IL 60625  
Telephone: (773) 837-6134  
Facsimile: (773) 837-6134

*Attorneys for the McMurray Plaintiffs*

By: /s/ Paul G. Freeborne per G.O. 45  
Paul G. Freeborne

MICHAEL F. HERTZ  
Acting Assistant Attorney General  
DOUGLAS N. LETTER  
Terrorism Litigation Counsel  
JOSEPH H. HUNT  
Director, Federal Programs Branch  
ANTHONY J. COPPOLINO  
Special Litigation Counsel  
PAUL G. FREEBORNE  
Trial Attorney  
United States Department of Justice  
Civil Division, Federal Programs Branch  
20 Massachusetts Avenue, NW, Rm. 7142  
Washington, D.C. 20001  
Phone: (202) 305-9334—Fax: (202) 616-8460  
Email: alexander.haas@usdoj.gov

*Attorneys for the United States of America*

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3  
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~~[PROPOSED]~~ ORDER

Pursuant to the foregoing Stipulation, and good cause appearing, the Court  
ORDERS the following:

The Telecommunication Carrier Defendants shall have until April 3, 2009 to file an  
answer or otherwise respond to the complaint in *McMurray v. Verizon Communication,*  
Inc., et al., No. 09-cv-0131-VRW. By entering into this Stipulation, neither Plaintiffs nor  
Defendants waive any procedural or substantive defenses, rights or objections, including,  
but not limited to, the right to challenge personal jurisdiction over any particular Defendant.

**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

Dated: March 10, 2009.

