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11 *Attorneys for Defendants*

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

15 )  
 16 IN RE NATIONAL SECURITY AGENCY )  
 TELECOMMUNICATIONS RECORDS )  
 17 LITIGATION )  
 18 \_\_\_\_\_ )

**No. M:06-cv-01791-VRW**  
**DEFENDANTS' NOTICE OF PRIOR**  
**LODGING OF CLASSIFIED**  
**MEMORANDUM FOR *IN CAMERA*,**  
***EX PARTE* REVIEW**

19 This Document Relates Only To: )  
 )  
 20 *Center for Constitutional Rights v. Bush,* )  
 (Case No. 07-1115) )  
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Judge: Hon. Vaughn R. Walker  
 Date: August 9, 2007  
 Time: 2 p.m.  
 Courtroom: 6, 17<sup>th</sup> Floor

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 28 **Defendants' Notice of Lodging**  
*Center for Constitutional Rights v. Bush* (07-CV-1115 VRW)  
 M:06-CV-1791-VRW

1 Defendants, through their undersigned counsel, hereby provide notice of the prior  
2 submission, for the Court's *in camera, ex parte* consideration, of the following materials in  
3 support of the United States' assertion of the military and state secrets privilege and motion to  
4 dismiss or, in the alternative, for summary judgment in this action:

5 The *In Camera, Ex Parte* Classified Memorandum of Points and Authorities in Support  
6 of the United States' Assertion of the Military and State Secrets Privilege; Defendants' Motion  
7 to Dismiss or, in the Alternative, for Summary Judgment; and Defendants' Motion to  
8 Stay Consideration of Plaintiffs' Motion for Summary Judgment.<sup>1</sup>

9 This classified memorandum was lodged in this action on May 26, 2006, and a notice of  
10 lodging was filed at that time on the public docket in the Southern District of New York, where  
11 the case was pending. Because that notice of lodging may not have been transferred to this  
12 Court when the case was transferred (the notice is missing from this Court's electronic docket),  
13 we are providing the notice again in the interest of clarity. The memorandum is available for the  
14 Court's *in camera, ex parte* review upon the Court's request.

15 DATED: June 8, 2007

Respectfully Submitted,

16 PETER D. KEISLER  
17 Assistant Attorney General, Civil Division

18 CARL J. NICHOLS  
19 Deputy Assistant Attorney General

20 DOUGLAS N. LETTER  
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21 JOSEPH H. HUNT  
22 Director, Federal Programs Branch

23 /s/ Anthony J. Coppolino  
24 ANTHONY J. COPPOLINO  
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27 <sup>1</sup> An unclassified version of this document has been filed on the public record.

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/s/ Andrew H. Tannenbaum  
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