

# Stay Pending Appeal Order, Sept. 9, 1997 in Bernstein v. State

This is a series of page images from a fax machine.

You can view or print [this page](#) for a full copy of the document. It will take a while to download all 7 pages.

If you want to view or print this document in pieces, you can download the individual image files, named "[page01.gif](#)", "[page02.gif](#)", etc. (01 through 03).

FILED

P. 02

9 22 PM '97  
CLERK  
U.S. DISTRICT COURT  
NO. DIST. OF CA.

1 **FRANK W. HUNGER**  
Assistant Attorney General  
2 **MICHAEL J. YAMAGUCHI**  
United States Attorney  
3 **MARY BETH UTTI**  
Assistant United States Attorney  
4 450 Golden Gate Avenue  
San Francisco, California 94102  
5 Telephone: (415) 436-7198

6 **VINCENT M. GARVEY**  
**ANTHONY J. COPPOLINO**  
7 Department of Justice  
Civil Division, Room 1084  
8 901 E Street, N.W.  
Washington, D.C. 20530  
9 Tel. (Voice): (202) 514-4782  
(FAX): (202) 616-8470 or 616-8460

10 Attorneys for the Defendants

11  
12  
13 IN THE UNITED STATES DISTRICT COURT  
14 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
15 SAN FRANCISCO HEADQUARTER 3

16 DANIEL J. BERNSTEIN  
17 Plaintiff,  
18  
19 v.  
20 UNITED STATES DEPARTMENT OF  
STATE et al.,  
21 Defendants.  
22

C 95-0582 MHP

STAY PENDING APPEAL ORDER

23 **ORDER**

24 On August 28, 1997, upon conferring with the parties and good cause appearing, this Court  
25 verbally issued a temporary stay of all of the injunctive relief contained in its Order dated August 25,  
26 1997, until the entry of this superceding order. Now, upon further consideration of the matter, and good  
27

28 Stay Pending Appeal Order  
Case No. 95-0582 MHP

1 cause appearing, it is

2       **HEREBY ORDERED THAT** the injunctive relief contained in the Court's Order of August 25,  
3 1997 shall be and hereby is stayed pending the completion of appellate proceedings in this action by the  
4 Court of Appeals for the Ninth Circuit (including the issuance of the mandate of that court), except  
5 insofar as the August 25 Order permanently enjoins the defendants from doing or causing to be done the  
6 following acts with respect to Plaintiff Daniel J. Bernstein:

7       a.       further and future enforcement, operation or execution of the statutes, regulations, rules,  
8 policies and practices declared unconstitutional under the Order of August 25, 1997, including criminal  
9 or civil prosecutions, with respect to the Plaintiff for his use, discussion or publication of Snuffle  
10 5.0/Unsnuffle 5.0 source code or Plaintiff's updated versions of Snuffle 5.0/Unsnuffle 5.0 source code  
11 designed to convert any one-way hash function into a zero-delay private key encryption system; and

12       b.       threatening, detaining, prosecuting, discouraging or otherwise interfering with Plaintiff in  
13 the exercise of his rights pursuant to the injunctive relief granted in paragraph a. above; and it is

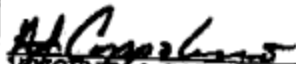
14       **FURTHER ORDERED THAT** if the defendants do not exercise their right to appeal the Court's  
15 August 25, 1997 opinion and Order (and/or any modifications thereof) at whatever time such an appeal  
16 may be taken under the Federal Rules of Civil and Appellate Procedure, this stay shall expire by its own  
17 terms when defendants' decision is communicated to this Court and the Plaintiff, and the injunctive relief

1 contained in the Court's Order of August 25, 1997 (as it may be modified by the Court) will immediately  
2 be effective without further Order of this Court.

3 **APPROVED AS TO FORM ONLY:**


4 For Defendants:  
5 DATE: 9/8/97

For Plaintiffs:  
6 DATE: 9/8/97

7   
8 VINCENT M. GARVEY  
9 ANTHONY J. COPPOLINO  
10 Department of Justice  
11 Civil Division, Room 1084  
12 901 E Street, N.W.  
13 Washington, D.C. 20530  
14 (202) 514-4782  
15 (202) 616-8470

  
CINDY A. COHN  
McGLASHAN & SARA ILL  
Professional Corporation  
177 Bovee Road, Sixth Floor  
San Mateo, CA 94402  
(415) 341-2585  
(415) 341-1395

13 SO ORDERED: *The transcript of the proceeding before the*  
14 *Court this date via teleconference is deemed incorporated*  
15 DATE: Sept. 9, 1997 *Teruo, [Signature]*

  
Marilyn Hall Patel  
United States District Judge  
Northern District of California

28 Stay Pending Appeal Order  
Civ A. No. 95-0582 (MHP)