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12 **UNITED STATES DISTRICT COURT**
 13 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
 14 **OAKLAND DIVISION**

17 ELECTRONIC FRONTIER FOUNDATION,)	Case No. 4:11-cv-05221-YGR
18))
19 Plaintiff,)	NOTICE AND REQUEST THAT THE
20 v.)	COURT HOLD THE CROSS-MOTIONS
21)	FOR SUMMARY JUDGMENT IN
22 UNITED STATES DEPARTMENT OF)	ABEYANCE
23 JUSTICE,))
24))
25 Defendant.))
26))
27))
28))

24 On June 6, 2013, in response to the unauthorized disclosure of a top secret U.S. court
 25 document, the Director of National Intelligence (“DNI”) directed that certain information related
 26 to the “business records” provision of the Foreign Intelligence Surveillance Act be declassified
 27 and immediately released to the public. See DNI Statement on Recent Unauthorized Disclosures
 28

1 of Classified Information, *available at* [http://www.odni.gov/index.php/newsroom/press-](http://www.odni.gov/index.php/newsroom/press-releases/191-press-releases-2013/868-dni-statement-on-recent-unauthorized-disclosures-of-classified-information)
2 [releases/191-press-releases-2013/868-dni-statement-on-recent-unauthorized-disclosures-of-](http://www.odni.gov/index.php/newsroom/press-releases/191-press-releases-2013/868-dni-statement-on-recent-unauthorized-disclosures-of-classified-information)
3 [classified-information](http://www.odni.gov/index.php/newsroom/press-releases/191-press-releases-2013/868-dni-statement-on-recent-unauthorized-disclosures-of-classified-information). This case involves plaintiff's request pursuant to the Freedom of
4 Information Act for documents concerning that same provision of the Foreign Intelligence
5 Surveillance Act.

6
7 In light of the DNI's decision to declassify certain previously classified information,
8 defendant requires time to consider what effect, if any, the DNI's decision has on the
9 classification of information in some of the withheld documents still at issue in this case, and to
10 consult with plaintiff. Therefore, defendant respectfully requests that the Court hold the Cross-
11 Motions for Summary Judgment in abeyance at this time. Defendant proposes that the parties
12 file a status report with the Court within 30 days.

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14 Dated: June 7, 2013

Respectfully submitted,

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