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

15 CAROLYN JEWEL, *et al.*,  
 16 Plaintiffs,  
 17 v.  
 18 NATIONAL SECURITY AGENCY, *et al.*,  
 19 Defendants.

Case No. C-08-4373-JSW

20 VIRGINIA SHUBERT, *et al.*,  
 21 Plaintiffs,  
 22 v.  
 23 BARACK OBAMA, President of the  
 24 United States, *et al.*,  
 25 Defendants.

Case No. C-07-0693-JSW

**EMERGENCY MOTION TO  
STAY THE COURT'S  
JUNE 5, 2014 ORDER**

No Hearing Scheduled  
Courtroom 5, 2<sup>nd</sup> Floor  
Judge Jeffrey S. White

1 The Government Defendants respectfully request that the Court issue an emergency stay  
 2 of its June 5, 2014 Order, *Jewel* ECF No. 236 (“the June 5, 2014 Order”), which requires the  
 3 Government “not to destroy any documents that may be relevant to the claims at issue in this  
 4 action, including the Section 702 materials.” The June 5, 2014 Order was issued in response to  
 5 the *Jewel* Plaintiffs’ emergency filing, ECF No. 235, before the Government Defendants had an  
 6 opportunity to respond to the Plaintiffs’ submission and explain the complex technical and  
 7 operational issues implicated by the preservation of this material, which are significantly greater  
 8 than with preservation of Section 215 telephony metadata.

9 Undersigned counsel have been advised by the National Security Agency that compliance  
 10 with the June 5, 2014 Order would cause severe operational consequences for the National  
 11 Security Agency (NSA’s) national security mission, including the possible suspension of the  
 12 Section 702 program and potential loss of access to lawfully collected signals intelligence  
 13 information on foreign intelligence targets that is vital to NSA’s foreign intelligence mission.

14 The Government Defendants attempted to contact the Court to address these issues  
 15 telephonically promptly after the June 5, 2014 Order issued. In their response to the *Jewel*  
 16 Plaintiffs’ emergency filing, which the Government Defendants will submit no later than noon  
 17 PST on Friday, June 6, 2014, the Government Defendants will explain more fully the issues  
 18 implicated by the relief the Plaintiffs seek, including through a declaration from the NSA. In the  
 19 interim, the Government Defendants respectfully ask that the Court stay its June 5, 2014 Order.

20 Dated: June 5, 2014

Respectfully Submitted,

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