

FILED

JUN 13 2014

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

[REDACTED]

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CAROLYN JEWEL, ET AL.,

Plaintiffs,

No. C 08-04373 JSW ✓

v.

NATIONAL SECURITY AGENCY, ET AL.,

Defendants.

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VIRGINIA SHUBERT, ET AL.,

Plaintiffs,

No. C 07-00693 JSW

v.

BARACK OBAMA, ET AL.,

Defendants.

ORDER RE REQUEST

[REDACTED]

The Court has received an *ex parte, in camera* request from the Government Defendants lodged through Classified Information Security Officer (“CISO”) W. Scooter Slade on June 12, 2014. In its request, which is lodged under seal with this Order, the Government asks for an advance copy of the transcript prepared in the emergency telephonic hearing held on Friday, June 6, 2014, on Plaintiff’s motion to enforce the Court’s temporary restraining order. According to the request, the National Security Agency (“NSA”) has indicated that Government counsel, Anthony J. Coppolino, may have inadvertently made a statement during the hearing that the NSA contends is classified.

The NSA has requested that Government counsel be provided with a transcript of the hearing through the Court’s CISO in advance of it being provided to any other party or being

United States District Court
For the Northern District of California

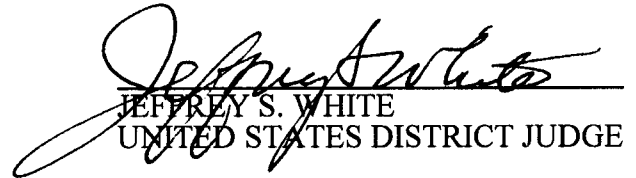
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1 made public. The Government could then make a determination whether the transcript contains
2 any classified information and could request an opportunity to remove the classified material.

3 The Government contends that because its request involves classified information, it
4 should be maintained *ex parte* and *in camera*. However, because the request itself does not
5 disclose any classified material but merely involves the process by which potentially classified
6 information should be treated, the Court shall not permit the procedure regarding the production
7 of the transcript to remain *ex parte* and *in camera*. Accordingly, the Court issues this order
8 under seal alerting Plaintiffs to the Government's request and shall require a response in writing
9 from Plaintiffs that shall be filed under seal by no later than June 20, 2014, indicating Plaintiffs'
10 position on the Government's request for an advance copy of the transcript. In the interim, the
11 Court orders that the transcript from the hearing held on June 6, 2014 shall not be released to
12 any party pending further order of this Court.

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14 **IT IS SO ORDERED.**

15 Dated: June 13, 2014

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17 JEFFREY S. WHITE
18 UNITED STATES DISTRICT JUDGE

United States District Court
For the Northern District of California

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1 UNITED STATES DISTRICT COURT
2 FOR THE
3 NORTHERN DISTRICT OF CALIFORNIA
4

5 CAROLYN JEWEL et al,
6 Plaintiff,

Case Number: CV08-04373 JSW

7 v.

8 NATIONAL SECURITY AGENCY et al,
9 Defendant.

10
11 VIRGINIA SHUBERT et al,
12 Plaintiff,

Case Number: CV07-00693 JSW

13 v.

CERTIFICATE OF SERVICE

14 GEORGE W BUSH et al,
15 Defendant.



16 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S.
District Court, Northern District of California.

17 That on June 13, 2014, I SERVED a true and correct copy(ies) of the attached, by placing
18 said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by
19 depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office
delivery receptacle located in the Clerk's office.

20 Anthony Joseph Coppolino
James J. Gilligan
21 Marcia Berman
U.S. Department of Justice, Civil Divisi
22 20 Massachusetts Avenue, N.W. Room 6102
Washington, DC 20530

23 Cindy Ann Cohn
24 Andrew Gellis Crocker
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United States District Court

For the Northern District of California

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10 Kathy Wyatt
11 Certified Shorthand Reporter
12 US District Court
13 (Via Inter-Office Mail)

14 Dated: June 13, 2014



15 Richard W. Wieking, Clerk
16 By: Jennifer Ottolini, Deputy Clerk

United States District Court

For the Northern District of California

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