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15  
 16 **UNITED STATES DISTRICT COURT**  
 17 **NORTHERN DISTRICT OF CALIFORNIA**  
 18 **SAN FRANCISCO DIVISION**

19  
 20 **CAROLYN JEWEL *et al.*,** )  
 )  
 21 ***Plaintiffs,*** )  
 )  
 22 **v.** )  
 )  
 23 **NATIONAL SECURITY AGENCY *et al.*,** )  
 )  
 24 ***Defendants*** )  
 )  
 25 )  
 26 )

**Case No. C:08-cv-4373-VRW**  
  
**JOINT MOTION FOR ENTRY OF  
 ORDER REGARDING  
 PRESERVATION OF EVIDENCE**  
  
**Chief Judge Vaughn R. Walker**

27  
 28 **Joint Motion for Entry of Order Regarding Preservation of Evidence**  
*Jewel et al. v. National Security Agency et al., Case No. 08-cv-4373-VRW*

**JOINT MOTION FOR ENTRY OF ORDER REGARDING  
PRESERVATION OF EVIDENCE**

Pursuant to Local Rule 7-11, the parties jointly move this Court to extend the Order regarding preservation of evidence entered in the related multi-district litigation (“MDL”) proceedings (Dkt. 393 in 06-cv-1791-VRW) to this action. In support the parties state as follows:

1. On September 20, 2007, plaintiffs in the related MDL proceeding, *In re: National Security Agency Telecommunications Records Litigation*, moved this Court for an order requiring all parties to preserve evidence relevant to the action. (Dkts. 373, 384 in 06-cv-1791-VRW). On November 6, 2007, the Court entered an Order regarding the preservation of evidence in cases consolidated in the MDL proceeding (the “MDL Order”). Ex.1 (Dkt. 393 in 06-cv-1791-VRW).

2. Plaintiffs in this action have requested that the defendants stipulate to an identical preservation order in this action, and the defendants have agreed in light of the order entered in the multi-district litigation.

3. Accordingly, the parties jointly move this Court to enter the proposed order set forth below, which is identical in substance to the MDL Order. (Dkt. 393 in MDL 06-cv-1791-VRW).

4. The MDL Order required the counsel representing each party to certify that they had directed their clients to comply with the Order. Ex.1 at 4 (Dkt. 393 in 06-cv-1791-VRW). The parties respectfully request that the Court order the requisite statements to be filed not later than December 15, 2009, in this action. A proposed Order is attached.

DATED: November 10, 2009

Respectfully Submitted,

MICHAEL F. HERTZ  
Deputy Assistant Attorney General  
JOSEPH H. HUNT  
Director, Federal Programs Branch  
VINCENT M. GARVEY  
Deputy Branch Director

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By:         /s/ Paul E. Ahern          
Paul E. Ahern

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**DECLARATION PURSUANT TO GENERAL ORDER 45, § X.B**

1 I, PAUL E. AHERN, hereby declare pursuant to General Order 45, § X.B, that I have  
2 obtained the concurrence in the filing of this document from each of the other signatories listed  
3 below.

4 I declare under penalty of perjury that the foregoing declaration is true and correct.

5 Executed on November 10, 2009, in the City of Washington, District of Columbia.

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