

1 PETER D. KEISLER
 Assistant Attorney General, Civil Division
 2 CARL J. NICHOLS
 Deputy Assistant Attorney General
 3 DOUGLAS N. LETTER
 Terrorism Litigation Counsel
 4 JOSEPH H. HUNT
 Director, Federal Programs Branch
 5 ANTHONY J. COPPOLINO
 Special Litigation Counsel
 6 ANDREW H. TANNENBAUM
 ALEXANDER K. HAAS (SBN 220932)
 7 Trial Attorneys
 Email: tony.coppolino@usdoj.gov
 8 U.S. Department of Justice
 Civil Division, Federal Programs Branch
 9 20 Massachusetts Avenue, NW, Rm. 6102
 Washington, D.C. 20001
 10 Phone: (202) 514-4782
 Fax: (202) 616-8460
 11 *Attorneys for Federal Defendants Sued in their Official Capacities*
and the Federal Intervenor-Defendants (United States of America,
 12 *National Security Agency, President George W. Bush)*

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

16	IN RE NATIONAL SECURITY AGENCY)	No. M:06-cv-01791-VRW
17	TELECOMMUNICATIONS RECORDS)	UNITED STATES' NOTICE OF
18	LITIGATION)	DECISION BY JUDICIAL PANEL
19	_____)	Courtroom: 6, 17th Floor
20	This Document Relates To:)	Judge: Hon. Vaughn R. Walker
21	ALL CASES)	
22	_____)	

22 The United States of America hereby provides notice to the parties and the Court that, on
 23 February 15, 2007, the Judicial Panel on Multidistrict Litigation ("Panel") issued an order
 24 transferring six additional cases to the Northern District of California for coordinated pretrial
 25 proceedings.¹ February 15, 2007 Transfer Order, *In re National Security Litigation*, MDL-1791

26 ¹ The cases are *United States v. Rabner*, 06-cv-2683 (D.N.J.); *United States v. Gaw*, 06-
 27 cv-1132 (E.D. Mo.); *Clayton/Gaw v. AT&T*, 06-cv-4177 (W.D. Mo.); *United States v. Adams*,
 28 06-cv-0097 (D. Me.); *United States v. Palermينو*, 06-cv-1405 (D. Ct.); and *United States v. Volz*,
 06-cv-188 (D. Vt.). The United States notified the respective courts and parties of the transfer.

1 (J.P.M.L.), attached as Exhibit A. In these cases, the United States challenges the authority of
2 state officials to seek information from telecommunications carriers about alleged foreign
3 intelligence activities of the United States on the grounds, *inter alia*, that such state demands are
4 precluded by the Constitution and preempted by federal law. The Panel found “these six actions
5 involve common questions of fact with the actions in this litigation previously centralized in the
6 Northern District of California, and that transfer of the six actions to the Northern District of
7 California for inclusion in the coordinated or consolidated pretrial proceedings in that district
8 will serve the convenience of the parties and witnesses.” *Id.* at 2.

9 Upon the transfer of these cases, the United States respectfully requests a status
10 conference to determine the proper course for their expeditious resolution, including the
11 possibility of consolidated briefing and oral argument. Unlike the other cases consolidated in
12 these proceedings, the United States does not believe that these six cases should be stayed
13 pending the appeal of *Hepting v. AT&T*, 439 F. Supp. 2d 974 (N.D. Cal. 2006), *appeal docketed*
14 Nos. 06-80109, 80110 (9th Cir.).

15 DATED: February 16, 2007

Respectfully Submitted,

16 PETER D. KEISLER
Assistant Attorney General, Civil Division
17 CARL J. NICHOLS
Deputy Assistant Attorney General
18 DOUGLAS N. LETTER
Terrorism Litigation Counsel
19 JOSEPH H. HUNT
Director, Federal Programs Branch
20 ANTHONY J. COPPOLINO
Special Litigation Counsel
21 ANDREW H. TANNENBAUM
ALEXANDER K. HAAS (SBN 220932)
22 Trial Attorneys
U.S. Department of Justice
23 Civil Division, Federal Programs Branch
20 Massachusetts Avenue, NW
24 Washington, D.C. 20001
Phone: (202) 514-4782 — Fax: (202) 616-8460
25 Email: tony.coppolino@usdoj.gov

26 By: /s/ Alexander K. Haas
Alexander K. Haas

27 Attorneys for United States of America, National
28 Security Agency, President George W. Bush