http://www.jdsupra.com/post/documentViewer.aspx?fid=54d36975-09c9-4ede-b0fe-b3ac40f63b47

2 3 4

1

- 45
- 8

9

6

7

- 1011
- 12 13
- 14
- 1516
- 17

18 19

20

21

22

23

2425

26

2728

- A. On January 16, 2007, pursuant to this Court's case management order, the plaintiffs in suits against the Verizon and MCI defendants filed a Master Complaint [Dkt. 125]. In addition, there are several other cases against Verizon defendants not covered by the Master Complaint, such as *Riordan* (MDL 06-3574); *Bready* (MDL 06-06313); and *Chulsky* (MDL 06-06570).
- B. This Court entered an Order [Dkt. 217] giving the United States until April 20, 2007, to file a "motion to dismiss or, in the alternative, for summary judgment and any assertion of the state secrets privilege" in the MCI and Verizon cases.
- C. The United States intends to assert the state secrets privilege in each of these cases, and seeks intervention in order to seek the dismissal of these cases.
- D. The United States requested the stipulation of all plaintiffs in the MCI and Verizon cases where the United States had not yet intervened, as well as the stipulation of MCI's counsel and Verizon's counsel. With the exception of the *Bready* and *Riordan* plaintiffs, all MCI and Verizon parties have stipulated to the intervention of the United States. The United States' intervention in *Bready* is dealt with in a separate motion filed concurrently herewith.

STIPULATION

The MCI and Verizon Plaintiffs, with the exception of those in *Bready* and *Riordan*, counsel for MCI defendants and counsel for Verizon defendants, and the United States, through their attorneys of record, hereby stipulate and request that the Court make this stipulation an order of the Court:

1. The United States shall be permitted to intervene in the above-referenced actions as a Defendant pursuant to Federal Rule of Civil Procedure 24.

¹ The United States moved to intervene in the *Riordan* case in August 2006, and that motion to intervene was granted on March 29, 2007, *see Riordan*, 05-cv-3574, Dkt. 64 (Mar. 29, 2007).

	Case M:06-cv-01791-VRW	Document 261	Filed 04/26/2007	Page 3 of 8			
				Document hosted at JDSUPRA			
	http://www.jdsupra.com/post/documentViewer.aspx?fid=54d36975-09c9-4ede-b0						
1	DATED: April 20, 2007	Respectful	ly Submitted,				
2							
3		PETER D. KEISLER Assistant Attorney General, Civil Division					
4		CARL J. NICHOLS Deputy Assistant Attorney General					
5		DOUGLAS N. LETTER Terrorism Litigation Counsel					
6		JOSEPH H. HUNT Director, Federal Programs Branch					
7		ANTHONY J. COPPOLINO Special Litigation Counsel					
8		ANDREW H. TANNENBAUM ALEXANDER K. HAAS (SBN 220932)					
9		Trial Attor U.S. Depa	neys rtment of Justice				
10		Civil Divis	Civil Division, Federal Programs Branch 20 Massachusetts Avenue, NW				
11			on, D.C. 20001 202) 514-4782 — Fax:	(202) 616-8460			
12			y.coppolino@usdoj.go				
13							
14		By: <u>/s/ Alexander K. Haas</u> Alexander K. Haas					
15		Attorneys for United States of America, National Security					
16	Agency, President George W. Bush						
17			J. Cabraser (State Bar l Iimmelstein (State Bar				
18		Michael W	V. Sobol (State Bar No stiff (State Bar No. 182	. 194857)			
19		Allison S.	Allison S. Elgart (State Bar No. 241901) LIEFF, CABRASER, HEIMANN & BERNSTEIN, LLP				
20		275 Batter	y Street, 30th Floor	W & BERRYSTEIN, EEF			
21	San Francisco, CA 94111-3339 Telephone: (415) 956-1000 Facsimile: (415) 956-1008						
22		raesiiiile.	(413) 330-1008				
23		Β ν· /s/	Rarry P. Himmalstain				
24		By: /s/ Barry R. Himmelstein					
25		Barry R, Himmelstein Interim Class Counsel for MCI Class					
26							
27							
28							
	No. M:06-cv-01791-VRW	- 2	STIPULATION PER	MITTING THE UNITED STATES			

	Case M:06-cv-01791-VRW	Document 261 Filed 04/26/2007 Page 4 of 8						
		Document hosted at JDSUPRA http://www.jdsupra.com/post/documentViewer.aspx?fid=54d36975-09c9-4ede-b0fe-b3ac40f63b47						
1	Ronald L. Motley							
2	Jodi W. Flowers Don Migliori							
3	Vincent Parrett (State Bar No. 237563) MOTLEY RICE, LLC							
4		28 Bridgeside Boulevard P.O. Box 1792						
5		Mount Pleasant, SC 29465 Telephone: (843) 216-9000						
6		Facsimile: (843) 216-9027						
7		By: /s/ Jodi W. Flowers						
8		Jodi W. Flowers Interim Class Counsel for Verizon Class						
9		SHAPIRO & STERNLIEB, LLC						
10		DAVID H. STERNLIEB 800 Tennent Rd.						
11		Manalapan, NJ 07726 (732) 617-8050						
12		By: /s/ David H. Sternlieb						
13		David H. Sternlieb Attorney for Chulsky Plaintiffs						
14		WILMER, CUTLER, PICKERING, HALE & DORR LLP						
15		JOHN A. ROGOVIN RANDOLPH D. MOSS						
16		SAMIR C. JAIN BRIAN BOYNTON						
17		BENJAMIN C. MIZER 1875 Pennsylvania Ave, NW						
18		Washington, DC 20006 202-663-6083						
19		Fax: 202-663-6363						
20		By: /s/ John Rogovin						
21		John Rogovin Attorneys for the MCI Defendants and Verizon Defendants						
22		Attorneys for the Mer Defendants and Verizon Defendants						
23								
24								
25								
26								
27								
28								
	No. M:06-cv-01791-VRW	- 3 - STIPULATION PERMITTING THE UNITED STATES						

http://www.jdsupra.com/post/documentViewer.aspx?fid=54d36975-09c9-4ede-b0fe-b3ac40f63b47 1 DECLARATION PURSUANT TO GENERAL ORDER 45, § X.B 2 I, ALEXANDER K. HAAS, hereby declare pursuant to General Order 45, § X.B. 3 that I have obtained the concurrence in the filing of this document from each of the other 4 signatories listed above and below. 5 I declare under penalty of perjury that the foregoing declaration is true and correct. 6 Executed on April 20, 2007, in the City of Washington, District of Columbia. 7 PETER D. KEISLER 8 Assistant Attorney General, Civil Division CARL J. NICHOLS 9 Deputy Assistant Attorney General DOUGLAS N. LETTER 10 Terrorism Litigation Counsel JOSEPH H. HUNT 11 Director, Federal Programs Branch ANTHONY J. COPPOLINO 12 Special Litigation Counsel ANDREW H. TANNENBAUM 13 ALEXANDER K. HAAS (SBN 220932) Trial Attorneys 14 U.S. Department of Justice Civil Division, Federal Programs Branch 15 20 Massachusetts Avenue, NW Washington, D.C. 20001 16 Phone: (202) 514-4782 — Fax: (202) 616-8460 Email: tony.coppolino@usdoj.gov 17 18 /s/ Alexander K. Haas By: 19 Alexander K. Haas 20 Attorneys for United States of America, National Security Agency, President George W. Bush 21 22 23 24 25 26 27

28

1	Case M:06-cv-01791-VRW	Document 261 Filed 04/26/2007 Page 6 of 8						
		Document hosted at JDSUPRA http://www.jdsupra.com/post/documentViewer.aspx?fid=54d36975-09c9-4ede-b0fe-b3ac40f63p47						
1		Elizabeth J. Cabraser (State Bar No. 083151)						
2		Barry R. Himmelstein (State Bar No. 157736) Michael W. Sobol (State Bar No. 194857)						
3		Eric B. Fastiff (State Bar No. 182260) Allison S. Elgart (State Bar No. 241901)						
4		LIEFF, CABRASER, HEIMANN & BERNSTEIN, LLP 275 Battery Street, 30th Floor San Francisco, CA 94111-3339 Telephone: (415) 956-1000						
5								
6		Facsimile: (415) 956-1008						
7								
8		By: /s/ Barry R. Himmelstein per G.O. 45						
9		Barry R, Himmelstein Interim Class Counsel for MCI Class						
10		Ronald L. Motley						
11		Jodi W. Flowers Don Migliori						
12		Vincent Parrett (State Bar No. 237563) MOTLEY RICE, LLC						
13		28 Bridgeside Boulevard P.O. Box 1792						
14		Mount Pleasant, SC 29465 Telephone: (843) 216-9000						
15		Facsimile: (843) 216-9027						
16		By: /s/ Jodi W. Flowers per G.O. 45						
17		Jodi W. Flowers Interim Class Counsel for Verizon Class						
18		SHAPIRO & STERNLIEB, LLC						
19		DAVID H. STERNLIEB 800 Tennent Rd.						
20		Manalapan, NJ 07726 (732) 617-8050						
21		By: /s/ David H. Sternlieb per G.O. 45						
22		David H. Sternlieb						
23		Attorney for Chulsky Plaintiffs						
24								
25								
26								
27								
28								
	No. M:06-cv-01791-VRW	- 2 - STIPULATION PERMITTING THE UNITED STATES						

	Case M:06-cv-01791-VRW	Document 261	Filed 04/26/2007	Page 7 of 8			
		//		Document hosted at JDSUPRA			
1				(?fid=54d36975-09c9-4ede-b0fe-b3ac40f63b47			
2	WILMER, CUTLER, PICKERING, HALE & DORR LLP JOHN A. ROGOVIN RANDOLPH D. MOSS						
3		SAMIR C BRIAN B	. JAIN				
		BENJAM	IN C. MIZER				
4		Washingto	nsylvania Ave, NW on, DC 20006				
5		202-663-6 Fax: 202-6					
6		By: /s/.	Iohn Rogovin per G.O.	. 45			
7		John Rogo	ovin				
8		Attorneys	for the MCI Defendan	ts and Verizon Defendants			
9							
10							
11							
12							
13							
14							
15							
16							
17							
18							
19							
20							
21							
22							
23							
24							
25							
26							
27							
28							
	No. M:06-cv-01791-VRW	- 3	STIPULATION PER	EMITTING THE UNITED STATES			

Document hosted at JDSUPRA™

FROPOSED ORDER

Having considered the above stipulation to permit intervention by the United States pursuant to Federal Rule of Civil Procedure 24, the United States is allowed to intervene in the actions covered by the stipulation as a defendant.

IT IS SO ORDERED.

Dated: April ____, 2007



http://www.jdsupra.com/post/documentViewer.aspx?fid=54d36975-09c9-4ede-b0fe-b3ac40f63b47