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15 **Attorneys for Plaintiffs Al-Haramain Islamic Foundation, Inc., Wendell Belew and Asim**
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17 **IN THE UNITED STATES DISTRICT COURT**
18 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

19 **IN RE NATIONAL SECURITY**) MDL Docket No. 06-1791 VRW
20 **AGENCY TELECOMMUNICATIONS**)
21 **RECORDS LITIGATION**) **PLAINTIFFS' PROPOSED JUDGMENT**

22 This Document Relates Solely To:)

23 *Al-Haramain Islamic Foundation, Inc., et*)
24 *al. v. Obama, et al. (C07-CV-0109-VRW)*)

25 **AL-HARAMAIN ISLAMIC**)
26 **FOUNDATION, INC., et al.,**)

27 Plaintiffs,)

28 vs.)

29 **BARACK H. OBAMA, President of the**)
30 **United States, et al.,**)

31 Defendants.)

1 This matter came before the Court on plaintiffs' motion for summary judgment on the issue
2 of defendants' liability under the Foreign Intelligence Surveillance Act ("FISA"), 50 U.S.C. §
3 1801 *et seq.*, and on defendants' motion to dismiss the amended complaint and cross-motion for
4 summary judgment. On March 31, 2010, the Court issued a Memorandum of Decision and Order
5 granting plaintiffs' motion and denying defendants' motions.

6 Further, the Court finds that the plaintiffs were subjected to unlawful warrantless electronic
7 surveillance in violation of FISA occurring on 204 days from February 19, 2004 through
8 September 9, 2004.

9 Based on the Memorandum of Decision and Order and the above finding,

10 IT IS HEREBY ADJUDGED AS FOLLOWS:

- 11 1. The following defendants are adjudged liable for liquidated and punitive damages
12 pursuant to 50 U.S.C. § 1810: BARACK H. OBAMA, President of the United
13 States; NATIONAL SECURITY AGENCY and KEITH B. ALEXANDER, its
14 Director, in his official capacity; OFFICE OF FOREIGN ASSETS CONTROL, an
15 office of the United States Treasury, and ADAM J. SZUBIN, its Director, in his
16 official capacity; and FEDERAL BUREAU OF INVESTIGATION and ROBERT
17 S. MUELLER III, its Director, in his official capacity.
- 18 2. Each of the three plaintiffs individually shall recover liquidated damages in the sum
19 of \$20,400, which are computed at the rate of \$100 per day for each day of
20 violation pursuant to 50 U.S.C. § 1810(a).
- 21 3. Each of the three plaintiffs individually shall recover punitive damages in the sum
22 of \$183,600 pursuant to 50 U.S.C. § 1810(b).
- 23 4. All claims against ROBERT S. MUELLER III in his individual capacity are
24 dismissed without leave to amend.
- 25 5. All remaining claims against defendants, for violations of constitutional and
26 international law, are dismissed pursuant to plaintiffs' voluntary dismissal of those
27 claims without prejudice filed with this Court on April 16, 2010.

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6. As equitable relief, the Court declares that defendants' warrantless electronic surveillance of plaintiffs was unlawful as a violation of FISA.
7. As further equitable relief, and pursuant to the Court's authority under 50 U.S.C. § 1806(g) to order suppression of evidence obtained in violation of FISA, it is adjudged and ordered that information obtained by means of plaintiffs' unlawful electronic surveillance shall not be used by the United States government, either directly or derivatively, in any administrative, civil, or criminal proceeding in which the United States is a party. Upon the final resolution of all such proceedings potentially involving such information, all files and records containing such information shall be purged and destroyed, except to the extent that defendants may have an existing legal obligation to preserve exculpatory evidence.
8. Plaintiffs shall recover reasonable attorney's fees and other investigation and litigation costs pursuant to 50 U.S.C. § 1810(c).
9. Following entry of this Judgment, plaintiffs' motion for reasonable attorney's fees and other investigation and litigation costs shall be filed in accordance with FRCP 54(d) and Civil Local Rule 54.

VAUGHN R. WALKER
United States District Chief Judge