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12 **UNITED STATES DISTRICT COURT**  
 13 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**  
 14 **OAKLAND DIVISION**

17	ELECTRONIC FRONTIER FOUNDATION, )	Case No. 4:11-cv-05221-YGR
	)	
18	Plaintiff, )	<b>STIPULATED REQUEST THAT THE</b>
	)	<b>COURT HOLD THE CROSS-MOTIONS</b>
19	v. )	<b>FOR SUMMARY JUDGMENT IN</b>
	)	<b>ABEYANCE</b>
20	UNITED STATES DEPARTMENT OF )	
	JUSTICE, )	
21	)	
	Defendant. )	
22	)	
23	)	

24 The parties, plaintiff Electronic Frontier Foundation and defendant the United States  
 25 Department of Justice, by and through their undersigned counsel, hereby stipulate and request  
 26 pursuant to Civ. L.R. 7-12 that this Court administratively stay or otherwise hold in abeyance the  
 27

1 parties' cross-motions for summary judgment currently pending in this action. [Dkt. Nos. 40,  
2 41.]

3 Good cause exists for the relief requested in this Stipulated Request. On June 6, 2013, in  
4 response to the unauthorized disclosure of a top secret U.S. court document, the Director of  
5 National Intelligence ("DNI") directed that certain information related to the "business records"  
6 provision of the Foreign Intelligence Surveillance Act be declassified and immediately released  
7 to the public. *See* DNI Statement on Recent Unauthorized Disclosures of Classified Information,  
8 available at [http://www.odni.gov/index.php/newsroom/press-releases/191-press-releases-  
9 2013/868-dni-statement-on-recent-unauthorized-disclosures-of-classified-information](http://www.odni.gov/index.php/newsroom/press-releases/191-press-releases-2013/868-dni-statement-on-recent-unauthorized-disclosures-of-classified-information). This case  
10 involves plaintiff's request pursuant to the Freedom of Information Act for documents  
11 concerning that same provision of the Foreign Intelligence Surveillance Act.  
12

13  
14 In light of the DNI's decision to declassify certain previously classified information,  
15 defendant requires time to consider what effect, if any,<sup>1</sup> the DNI's decision has on the  
16 classification of information in some of the withheld documents still at issue in this case, and to  
17 consult with plaintiff. Therefore, the parties respectfully request by stipulation that the Court  
18 hold the Cross-Motions for Summary Judgment in abeyance at this time. The parties propose  
19 that they file a status report with the Court on or before July 12, 2013.  
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21 Dated: June 10, 2013

Respectfully submitted,

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Principal Deputy Assistant Attorney General

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25 MELINDA HAAG  
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28 <sup>1</sup> Plaintiff's position is that the disclosures and the DNI's statement must have an effect on  
defendant's litigating position.

