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4	Deputy Branch Director STEVEN Y. BRESSLER D.C. Bar No. 482492		
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12	UNITED STATES DISTRICT COURT		
13	FOR THE NORTHERN DI	ISTRICT OF CALIFORNIA	
14	OAKLAND DIVISION		
15			
16		C N 444 05221 VCD	
17	ELECTRONIC FRONTIER FOUNDATION,)	Case No. 4:11-cv-05221-YGR	
18	Plaintiff,)	STIPULATED REQUEST THAT THE COURT HOLD THE CROSS-MOTIONS	
19	v.)	FOR SUMMARY JUDGMENT IN	
20	UNITED STATES DEPARTMENT OF JUSTICE,	ABEYANCE	
21	Defendant.		
22	Determant.)	
23		ı	
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		
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	Case No. 4:11-cv-05221-YGR Stipulated Request to Hold the Cross-Motions for Summa	ary Judgment in Abeyance	

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

Good cause exists for the relief requested in this Stipulated Request. On June 6, 2013, in response to the unauthorized disclosure of a top secret U.S. court document, the Director of National Intelligence ("DNI") directed that certain information related to the "business records" provision of the Foreign Intelligence Surveillance Act be declassified and immediately released to the public. *See* DNI Statement on Recent Unauthorized Disclosures of Classified Information, available at 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 involves plaintiff's request pursuant to the Freedom of Information Act for documents concerning that same provision of the Foreign Intelligence Surveillance Act.

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

Dated: June 10, 2013 Respectfully submitted,

STUART F. DELERY

Principal Deputy Assistant Attorney General

MELINDA HAAG United States Attorney

ELIZABETH J. SHAPIRO Deputy Director, Federal Programs Branch

¹ Plaintiff's position is that the disclosures and the DNI's statement must have an effect on defendant's litigating position.

1	/-/ Ct V. D1	
2	/s/ Steven Y. Bressler_ STEVEN Y. BRESSLER D.C. Bar #482492	
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	/s/ Mark Rumold	
10	MARK RUMOLD	
11	ELECTRONIC FRONTIER FOUNDATION	
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12	San Francisco, CA 94110	
13	Attorney for Plaintiff	
14	ELECTRONIC FRONTIER FOUNDATION	
14		
15	PURSUANT TO STIPULATION, IT IS SO ORDERED.	
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17		
18	Hon. Yvonne Gonzalez Rogers	
19	United States District Judge	
20		
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22	DECLARATION	
22	DECLARATION	
23	I, Steven Y. Bressler, hereby declare that I have obtained the concurrence in the filing of this document from the other signatory listed above. I declare under penalty of perjury that the	
24		
	foregoing is true and correct. Executed this 10th day of June, 2013, at Washington, D.C.	
25	/s/ Steven Y. Bressler	
26	/s/ Steven Y. Bressler STEVEN Y. BRESSLER	
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28		