

UNITED STATES  
FOREIGN INTELLIGENCE SURVEILLANCE COURT  
WASHINGTON, D.C.

U.S. FOREIGN  
INTELLIGENCE  
SURVEILLANCE  
2014 MAR 13 PM 12:18  
LEEANN FLYNN HALL  
CLERK OF COURT

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IN RE APPLICATION OF THE FEDERAL  
BUREAU OF INVESTIGATION FOR AN  
ORDER REQUIRING THE PRODUCTION  
OF TANGIBLE THINGS

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Docket No. BR 14-01

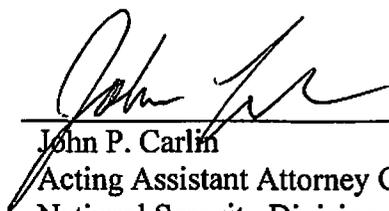
**RESPONSE OF THE UNITED STATES OF AMERICA TO THE MOTION OF  
PLAINTIFFS IN *JEWEL V. NSA* AND *FIRST UNITARIAN CHURCH V. NSA*, BOTH  
PENDING IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN  
DISTRICT OF CALIFORNIA, FOR LEAVE TO CORRECT THE RECORD**

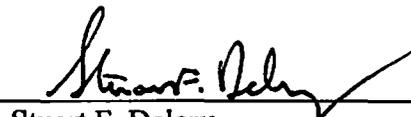
Movants, plaintiffs in litigation pending in the United States District Court for the Northern District of California, *Jewel v. NSA*, No. C-08-4373-JSW (“*Jewel*”), and *First Unitarian Church of Los Angeles v. NSA*, No. 3:13-cv-03287-JSW, have filed a Motion (“*Mot.*”) in this Court seeking leave to submit two preservation orders and other materials filed in *Jewel* and a companion case, *Shubert v. Obama*, No. C-07-0693-JSW (“*Shubert*”) (also pending in the Northern District of California). The United States does not object to Movants’ introduction of these materials into the record of this proceeding. However, as Movants acknowledge, *Mot.* at 3, and as this Court has recognized, issues regarding the Government’s compliance with “prior

preservation orders issued by the Northern District of California” are “a matter for the District Court to resolve.” March 12, 2014 Opinion and Order at 4 n.3.<sup>1</sup>

Dated: March 12, 2014

Respectfully submitted,

  
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John P. Carlin  
Acting Assistant Attorney General  
National Security Division

  
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Stuart F. Delery  
Assistant Attorney General  
Civil Division

United States Department of Justice

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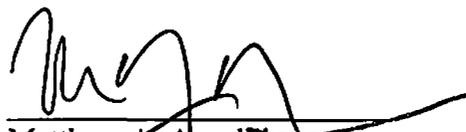
<sup>1</sup> Contrary to their representation, *see* Mot. at 1, Movants did not make a “specific request” that the Government inform this Court about the preservation orders in *Jewel* and *Shubert*. *See* Government’s March 11, 2014 Notice and Motion, Ex. A (attaching Declaration of Cindy Cohn, Ex. E). In any event, as this Court is aware, litigation is now ongoing in the Northern District of California concerning preservation obligations in the *Jewel* and *Shubert* matters.

## CERTIFICATE OF SERVICE

I hereby certify that, on March 13, 2014, a true and correct copy of the Response of the United States of America to the Motion of Plaintiffs in *Jewel v. NSA* and *First Unitarian Church v. NSA* for Leave to Correct the Record was submitted, by hand delivery, to a Litigation Security Officer, for delivery to the following counsel of record for Movants:

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Counsel for Movants  
Plaintiffs in *Jewel v. NSA*, No. 08-cv-4373-JSW  
(N.D. Cal.) and *First Unitarian Church v. NSA*,  
No. 13-cv-3287-JSW (N.D. Cal.)



Matthew A. Anzaldi  
National Security Division  
U.S. Department of Justice