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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

FIRST UNITARIAN CHURCH OF LOS
ANGELES, *et al.*,

Plaintiffs,

v.

NATIONAL SECURITY AGENCY, *et al.*,

Defendants.

Case No: 4:13-cv-03287 JSW

STIPULATION AND ~~PROPOSED~~
ORDER TO STAY CASE PENDING
THE APPEAL OF *JEWEL v.*
NATIONAL SECURITY AGENCY

STIPULATION & ~~PROPOSED~~ ORDER

1 THE PARTIES, BY AND THROUGH THEIR RESPECTIVE COUNSEL,
2
3 HEREBY STIPULATE, that this action shall be stayed in its entirety as to all parties
4 pending the final disposition of the appeal of *Jewel, et al. v. National Security Agency, et*
5 *al.*, N.D. Cal. Case No. 08-CV-4373-JSW ("*Jewel*"), now pending before the Ninth
6 Circuit Court of Appeals as Case No. 19-16066. The stay is necessary because the
7 resolution of several of the issues pending in the *Jewel* appeal will potentially inform the
8 disposition of similar issues pending in this case. Judicial economy will be better served
9 for those issues to be resolved through the appellate process in *Jewel* than for any aspect
10 of this case to proceed at this time.

11 In entering into this stipulation, plaintiffs do not concede that an adverse ruling in
12 the *Jewel* appeal would deprive them of standing in the instant action. To the contrary,
13 and by way of example only, it is plaintiffs' position that the government cannot
14 reasonably dispute the standing of those plaintiffs who were Verizon Business Network
15 Services subscribers whose communications and data were collected as described in the
16 government-acknowledged April 25, 2013 FISC order. Plaintiffs reserve the right to
17 bring a motion to end the stay if there is a material change of circumstances, including an
18 undue delay in the *Jewel* appeal.

19 The government, in turn, notes that by entering this stipulation it does not concede
20 that an adverse ruling in the *Jewel* appeal would establish plaintiffs' standing in this case.
21 Nor does the government concede that any of the plaintiffs in this case, including those
22 who were Verizon Business Network Services subscribers, as described above, have
23 standing to maintain their claims. Nevertheless, the parties' disagreement on standing is
24 immaterial for present purposes because both parties agree that the case should be stayed
25 pending the final disposition of the appeal in *Jewel*.
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27
28

1 Dated: September 20, 2019

By:

2
3 **COUNSEL FOR PLAINTIFFS:**

4 *s/ Thomas E. Moore III*

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ORDER

IT IS SO ORDERED.

Dated: September 25, 2019



HON. JEFFREY S. WHITE