

1 BRIAN M. BOYNTON
Principal Deputy Assistant Attorney General

2 JAMES J. GILLIGAN
3 JULIA A. HEIMAN
4 OLIVIA HUSSEY SCOTT
Attorneys

5 U.S. Department of Justice,
Civil Division, Federal Programs Branch
6 P.O. Box 883, Ben Franklin Station
Washington, D.C. 20044
7 Tel: (202) 514-3358
Email: james.gilligan@usdoj.gov

8 Counsel for the Government Defendants

9 **UNITED STATES DISTRICT COURT**
10 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
SAN FRANCISCO DIVISION

11 FIRST UNITARIAN CHURCH OF LOS }
12 ANGELES, *et al.*, }
13 Plaintiffs, }
14 v. }
15 NATIONAL SECURITY AGENCY, *et al.*, }
16 Defendants. }

Case No. 13-CV-3287-JSW

GOVERNMENT DEFENDANTS’
NOTICE OF DISMISSAL PURSUANT TO
THE PARTIES’ JOINT STIPULATION
REGARDING DISMISSAL

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18 Pursuant to paragraph 2 of the parties’ Joint Stipulation Regarding Dismissal, filed on
19 September 8, 2023 (ECF No. 174) (“Joint Stipulation”), the Government hereby affirms that it has
20 destroyed all remaining BR metadata collected under Section 215 in accordance with, and with the
21 exceptions stated in, paragraph 3.E of the Notice Regarding Procedures for the Retention and Use
22 After November 28, 2015, of Call Detail Records Previously Produced Pursuant to This Court’s [the
23 Foreign Intelligence Surveillance Court’s] Orders (Attachment A to the parties’ Joint Stipulation).¹

24 By operation of the terms of paragraph 2 of the Joint Stipulation, effective upon this filing:
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28 ¹ The terms “BR metadata” and “Section 215” as used herein have the same meanings, respectively, as those terms are defined in the parties’ Joint Stipulation.

1 (a) pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, all claims in this
2 case against the Government Defendants² are DISMISSED, with prejudice, all parties to bear their
3 own fees and costs; and

4 (b) and pursuant to Rule 41(a)(1)(A)(i), all claims in this case against the Defendants named
5 in their individual capacities³ are DISMISSED, with prejudice, all parties to bear their own fees and
6 costs.

7 Dated: December 14, 2023

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9 Respectfully submitted,

10 BRIAN M. BOYNTON
11 Principal Deputy Assistant Attorney General

12 /s/ James J. Gilligan
13 JAMES J. GILLIGAN
14 Special Litigation Counsel

15 JULIA A. HEIMAN
16 OLIVIA HUSSEY SCOTT
17 Attorneys

18 U.S. Department of Justice,
19 Civil Division, Federal Programs Branch
20 P.O. Box 883
21 Washington, D.C. 20044
22 Phone: (202) 514-3358
23 Email: james.gilligan@usdoj.gov

24 *Attorneys for the Government Defendants*

25 ² The Government Defendants are the National Security Agency (“NSA”); Gen. Paul M.
26 Nakasone, in his official capacity as Director of the NSA; the United States Department of Justice;
27 Merrick B. Garland, Attorney General of the United States, in his official capacity; Assistant Attorney
28 General for National Security Matthew G. Olsen, in his official capacity; the Federal Bureau of
Investigation (“FBI”); Christopher A. Wray, Director of the FBI, in his official capacity; Avril Haines,
Director of National Intelligence, in her official capacity; and the United States of America.

³ The individual-capacity Defendants are former NSA Director Adm. (ret.) Michael S. Rogers;
Eric H. Holder, former Attorney General of the United States; John P. Carlin, former Acting Assistant
Attorney General for National Security; James B. Comey, former Director of the FBI; and Lt. Gen.
(ret.) James R. Clapper, former Director of National Intelligence.