



November 13, 2008

Hon. Vaughn R. Walker
Chief Judge
United States District Court
For the Northern District of California
450 Golden Gate Avenue, Courtroom 6
San Francisco, CA 94102

**RE: In re NSA Telecommunications Litigation, No. M:06-cv-01791-VRW,
Request to Include Plaintiffs' Response to Government Reply Brief in
Carrier Response Brief Due November 20, 2008**

Dear Judge Walker:

Under the September 30, 2008 briefing order, plaintiffs are entitled to file a 35 page reply brief responding to arguments made by the telecommunications carriers in their November 5 brief in support of the government's attempt to apply FISAAA § 802 (50 U.S.C. § 1885a) to dismiss these actions. Plaintiffs' reply brief is due November 20.

Plaintiffs hereby seek leave to include within their previously-authorized 35-page reply brief their responses to new matters raised by the government in its November 5 brief. The government's November 5 brief makes new arguments regarding the constitutionality of section 802, the interpretation of key statutory terms in section 802, the admissibility of evidence submitted by the government, and the admissibility of evidence submitted by plaintiffs. Allowing plaintiffs a fair opportunity to respond to these new arguments will assist the Court and advance the resolution of these issues.

Plaintiffs do not request any increase in the number of pages or the number of briefs they will file. Plaintiffs will respond to the government's new arguments within the confines of their previously-authorized 35-page reply brief. Thus, granting plaintiffs' request will not impose any increased burden on the Court.

Plaintiffs have informed the government and the carriers that they will be making this request of the Court. The government and the carriers have no objection to this request.

Respectfully submitted,

ELECTRONIC FRONTIER FOUNDATION

/s/

CINDY A. COHN
Co-Chair of Plaintiffs' Executive Committee