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 12 *Attorneys for the Government Defs. in their Official Capacity*

13 **UNITED STATES DISTRICT COURT**
 14 **NORTHERN DISTRICT OF CALIFORNIA**
OAKLAND DIVISION

15 CAROLYN JEWEL, *et al.*,)
 16)
 Plaintiffs,)
 17)
 v.)
 18)
 NATIONAL SECURITY AGENCY, *et al.*,)
 19)
 Defendants.)
 20)
 21 VIRGINIA SHUBERT, *et al.*,)
)
 Plaintiffs,)
 22)
 v.)
 23)
 24 BARACK OBAMA, *et al.*,)
)
 Defendants.)
 25)
 26)

Case No. 4:08-cv-04373-JSW
 Case No. 4:07-cv-00693-JSW

**GOVERNMENT DEFENDANTS’
 ADMINISTRATIVE MOTION TO FILE
 UNDER SEAL THEIR RESPONSE TO
 THE COURT’S ORDER OF
 JUNE 23, 2014**

No hearing scheduled
 Oakland Courthouse
 Courtroom 5, 2nd Floor
 The Honorable Jeffrey S. White

27 Pursuant to Local Rule 79-5 and the Court’s June 23, 2014 Order (“Order”), the
 28 undersigned counsel for the Government Defendants hereby move to file under seal their
 Government Defendants’ Administrative Motion to File Under Seal their Response to the Court’s Order of June 30,
 2014, *Jewel v. National Security Agency* (4:08-cv-4373-JSW), *Shubert v. Obama* (4:07-cv-693-JSW)

1 response to the Court's Order.

2 As required by Local Rule 79-5, submitted herewith are: a declaration establishing that
3 the document requested to be filed under seal is properly sealable, and a proposed order that
4 identifies the sealable material. As explained in the Declaration of Marcia Berman submitted
5 herewith, the Government Defendants' response to the Court's Order regarding the preservation
6 of evidence is properly sealable because the Court's Order required that the document in
7 question be submitted under seal. *See* Decl. of Marcia Berman, Exhibit 1 hereto, ¶ 3; *see also*
8 Order at 2.

9 For the foregoing reasons, the Government Defendants respectfully request that the Court
10 grant this administrative motion.

11
12
13 Dated: June 30, 2014

Respectfully Submitted,

14 STUART F. DELERY
15 Assistant Attorney General

16 JOSEPH H. HUNT
17 Director, Federal Programs Branch

18 ANTHONY J. COPPOLINO
19 Deputy Branch Director

20 /s/Marcia Berman
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Case No. 4:08-cv-04373-JSW
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**DECLARATION OF MARCIA
 BERMAN, SUBMITTED IN SUPPORT
 OF GOVERNMENT DEFENDANTS'
 ADMINISTRATIVE MOTION TO FILE
 UNDER SEAL THEIR RESPONSE TO
 THE COURT'S ORDER OF
 JUNE 23, 2014**

21 VIRGINIA SHUBERT, *et al.*,)
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No hearing scheduled
 Oakland Courthouse
 Courtroom 5, 2nd Floor
 The Honorable Jeffrey S. White

27
 28 Declaration of Marcia Berman, Submitted in Support of Government Defendants' Administrative Motion to File Under Seal their Response to the Court's Order of June 30, 2014, *Jewel v. National Security Agency* (4:08-cv-4373-JSW), *Shubert v. Obama* (4:07-cv-693-JSW)

1 Pursuant to 28 U.S.C. § 1746, I, Marcia Berman, hereby declare:

2 1. I serve as Senior Trial Counsel in the United States Department of Justice, Civil
3 Division, Federal Programs Branch. I serve as one of the counsel for the Government
4 Defendants in the above-captioned case.

5 2. I submit this declaration, pursuant to Local Rule 79-5(d)(1)(A), in support of the
6 Government Defendants' Administrative Motion to File under Seal their Response to the Court's
7 Order of June 23, 2014.

8 3. The Government Defendants' response to the Court's Order of June 23, 2014 is
9 sealable pursuant to this Court's June 23, 2014 Order ("Order") which requires, *inter alia*, that
10 the Government respond to the Court's Order in a document submitted under seal. *See* Order at
11 2.

12 4. The Government Defendants' response to the Court's Order of June 23, 2014,
13 constitutes the sole document that the Government Defendants seek to file under seal in their
14 Administrative Motion.

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16 I declare under penalty of perjury that the foregoing is true and correct.

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19
20 Dated: June 30, 2014

21
22 Respectfully Submitted,

23 STUART F. DELERY
24 Assistant Attorney General

25 JOSEPH H. HUNT
26 Director, Federal Programs Branch

27 ANTHONY J. COPPOLINO
28 Deputy Branch Director

/s/Marcia Berman

Declaration of Marcia Berman, Submitted in Support of Government Defendants' Administrative Motion to File Under Seal their Response to the Court's Order of June 30, 2014, *Jewel v. National Security Agency* (4:08-cv-4373-JSW), *Shubert v. Obama* (4:07-cv-693-JSW)

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[PROPOSED] ORDER

21 VIRGINIA SHUBERT, *et al.*,)
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 23)
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 24)
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 25)
 Defendants.)
 26)

The Honorable Jeffrey S. White

27 Upon consideration of the Government Defendants' Administrative Motion to File under
 28 Seal their Response to the Court's Order of June 23, 2014, it is hereby ORDERED that the

1 Government Defendants' motion is granted. The Government Defendants' Response to the
2 Court's Order of June 23, 2014 shall remain under seal in its entirety.

3
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5 **IT IS SO ORDERED.**

6
7 Dated: _____

8 JEFFREY S. WHITE
9 UNITED STATES DISTRICT JUDGE
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