## UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

CENTER FOR CONSTITUTIONAL RIGHTS, TINA M. FOSTER, GITANJALI S. GUTIERREZ, SEEMA AHMAD, MARIA LAHOOD, RACHEL MEEROPOL,

Plaintiffs,

V.

GEORGE W. BUSH,
President of the United States;
NATIONAL SECURITY AGENCY,
LTG Keith B. Alexander, Director;
DEFENSE INTELLIGENCE AGENCY,
LTG Michael D. Maples, Director;
CENTRAL INTELLIGENCE AGENCY,
Porter J. Goss, Director;
DEPARTMENT OF HOMELAND SECURITY,
Michael Chertoff, Secretary;
FEDERAL BUREAU OF INVESTIGATION,
Robert S. Mueller III, Director;
JOHN D. NEGROPONTE,
Director of National Intelligence,

Case No. 06-cv-313

Judge Gerard E. Lynch

Magistrate Judge Kevin N. Fox

Defendants.

## **NOTICE OF MOTION**

PLEASE TAKE NOTICE that on the \_\_\_\_ day of March, 2006, at \_\_\_ a.m. or as soon thereafter as counsel may be heard, attorneys for Plaintiffs The Center for Constitutional Rights, Tina M. Foster, Gitanjali S. Gutierrez, Seema Ahmad, Maria LaHood, and Rachel Meeropol, shall move, before the Honorable Judge Gerard E. Lynch, U.S.D.J., United States Courthouse, Room \_\_\_, 500 Pearl Street, New York, New York, 10007, for the

entry of an Order in the form submitted herewith, granting to Plaintiffs partial summary judgment and other relief in the above-captioned action.

PLEASE TAKE FURTHER NOTICE that in support of this motion, Plaintiffs shall rely upon the this Notice of Motion, Memorandum of Law in Support of Plaintiffs' Motion for Partial Summary Judgment, the Statement of Material Facts Not in Dispute, and the Affirmation of William Goodman together with its Exhibits, submitted herewith. (Counsel for Plaintiffs have conferred with counsel for Defendants, Tony Coppelino, who consents to the submission of an overlong Memorandum of Law on condition that Plaintiffs consent to a similar extension to 45 pages for Defendants' response brief.)

PLEASE TAKE FURTHER NOTICE that counsel for Plaintiffs hereby request oral argument.

s/Shayana Kadidal

William Goodman [WG-1241] Shayana Kadidal [SK-1278] Michael Ratner [MR-3357] CENTER FOR CONSTITUTIONAL RIGHTS 666 Broadway, 7th Floor New York, NY 10012-2317 (212) 614-6427

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counsel for Plaintiffs

March 9, 2006

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CENTER FOR CONSTITUTIONAL RIGHTS, TINA M. FOSTER, GITANJALI S. GUTIERREZ, SEEMA AHMAD, MARIA LAHOOD, RACHEL MEEROPOL,

Plaintiffs,

Judge Gerard E. Lynch

06 Civ 00313 (GEL) (KNF)

V.

GEORGE W. BUSH, President of the United States; NATIONAL SECURITY AGENCY, LTG Keith B. Alexander, Director; DEFENSE INTELLIGENCE AGENCY, LTG Michael D. Maples, Director; CENTRAL INTELLIGENCE AGENCY, Porter J. Goss, Director; DEPARTMENT OF HOMELAND SECURITY, Michael Chertoff, Secretary; FEDERAL BUREAU OF INVESTIGATION, Robert S. Mueller III, Director; JOHN D. NEGROPONTE, Director of National Intelligence,

Defendants.

## **ORDER**

This court hereby **DECLARES** that Defendant's program of warrantless surveillance is unlawful.

Furthermore, it is hereby:

**ORDERED** that Defendants cease conducting their program of warrantless surveillance; and it is further

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ORDERED that Defendants disclose to Plaintiffs all unlawful surveillance of

Plaintiffs' communications carried out pursuant to the warrantless surveillance program;

and it is further

**ORDERED** that all Defendants turn over to Plaintiffs all information and records

in their possession relating to Plaintiffs that were acquired through the warrantless

surveillance program or were the fruit of surveillance under the program, and

subsequently destroy any such information and records in Defendants' possession; and it

is further

**ORDERED** that plaintiffs be awarded costs, including an award of attorneys'

fees under the Equal Access to Justice Act, 28 U.S.C. § 2412(d)(1)(A).

Hon. Gerard E. Lynch United States District Judge

Dated: