

1 ELECTRONIC FRONTIER FOUNDATION
CINDY COHN (145997)
2 cindy@eff.org
LEE TIEN (148216)
3 tien@eff.org
KURT OPSAHL (191303)
4 kurt@eff.org
KEVIN S. BANKSTON (217026)
5 bankston@eff.org
CORYNNE MCSHERRY (221504)
6 corynne@eff.org
JAMES S. TYRE (083117)
7 jstyre@eff.org
454 Shotwell Street
8 San Francisco, CA 94110
Telephone: 415/436-9333
9 415/436-9993 (fax)

10 Attorneys for Plaintiffs

11 [Additional counsel appear on signature page.]
12

13 UNITED STATES DISTRICT COURT
14 FOR THE NORTHERN DISTRICT OF CALIFORNIA
15 SAN FRANCISCO DIVISION

16 TASH HEPTING, GREGORY HICKS,)
CAROLYN JEWEL and ERIK KNUTZEN, on)
17 Behalf of Themselves and All Others Similarly)
Situating,)
18)
19 Plaintiffs,)
20 v.)
21 AT&T CORP., et al.,)
22 Defendants.)
23)
24 _____)

No. C-06-0672-VRW
CLASS ACTION
DECLARATION OF ELENA M. DIMUZIO IN SUPPORT OF MOTION TO TO FILE SUPPLEMENTARY MATERIAL
Courtroom: 6, 17th Floor
Judge: The Hon. Vaughn R. Walker, Chief Judge

25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

I, Elena M. DiMuzio, hereby declare:

1. I am an attorney with the law firm of Heller Ehrman LLP, counsel of record for Plaintiffs in this action. I am licensed to practice before this Court and I have personal knowledge of the facts stated herein, unless otherwise indicated.

2. Attached hereto as Exhibit 1 is a true and correct copy of an internet article titled *Lawmakers: NSA Database Incomplete*, Susan Page et al., USA Today, June 30, 2006, http://www.usatoday.com/news/washington/2006-06-30-nsa_x.htm.

3. On Wednesday, July 5, 2006 at approximately 12pm PST, I e-mailed Mr. Coppolino to request a stipulation to the filing of this motion. I did not receive a response from Mr. Coppolino by 1:00pm PST Thursday, and was therefore unable to obtain a stipulation to the filing of this motion.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed this 6th day of July, 2006, at San Francisco, California.

/s/

Elena M. DiMuzio

CERTIFICATE OF SERVICE

I hereby certify that on July 6, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses denoted on the attached Electronic Mail Notice List, and I hereby certify that I have mailed the foregoing document or paper via the United States Postal Service to the following non-CM/ECF participants:

David W. Carpenter
Sidley Austin Brown & Wood LLP
Bank One Plaza
10 South Dearborn Street
Chicago, IL 60600

David L. Lawson
Sidley Austin Brown & Wood
172 Eye Street, N.W.
Washington, DC 20006

By _____/s/
Elena M. DiMuzio (SBN 239953)
Heller Ehrman LLP
333 Bush Street
San Francisco, CA 94104
Telephone: (415) 772-6293
Facsimile: (415) 772-1753
elena.dimuzio@hellerehrman.com

HELLER EHRMAN LLP
ROBERT D. FRAM
MICHAEL M. MARKMAN
ETHAN C. GLASS
SAMUEL F. ERNST
NATHAN E. SHAFROTH
ELENA DIMUZIO
333 Bush Street
San Francisco, CA 94104
Telephone: 415/772-6000
415-772-6268 (fax)

LERACH COUGHLIN STOIA GELLER
RUDMAN & ROBBINS LLP
REED R. KATHREIN
JEFF D. FRIEDMAN
SHANA E. SCARLETT
MARIA V. MORRIS
100 Pine Street, Suite 2600
San Francisco, CA 94111
Telephone: 415/288-4545
415/288-4534 (fax)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

TRABER & VOORHEES
BERT VOORHEES (137623)
bv@tvlegal.com
THERESA M. TRABER (116305)
tmt@tvlegal.com
128 North Fair Oaks Avenue, Suite 204
Pasadena, CA 91103
Telephone: 626/585-9611
626/ 577-7079 (fax)

LAW OFFICE OF RICHARD R. WIEBE
RICHARD R. WIEBE
425 California Street, Suite 2025
San Francisco, CA 94104
Telephone: 415/433-3200
415/433-6382 (fax)

LERACH COUGHLIN STOIA GELLER
RUDMAN & ROBBINS LLP
ERIC ALAN ISAACSON
655 West Broadway, Suite 1900
San Diego, CA 92101
Telephone: 619/231-1058
619/231-7423 (fax)