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14 **UNITED STATES DISTRICT COURT**
15 **NORTHERN DISTRICT OF CALIFORNIA**
16 **OAKLAND DIVISION**

17 FIRST UNITARIAN CHURCH OF LOS)
18 ANGELES, *et al.*,)

19 Plaintiffs,)

20 v.)

21 NATIONAL SECURITY AGENCY, *et al.*,)

22 Defendants.)
23)
24)
25)
26)
27)
28)

Case No: 4:13-cv-03287 JSW

STIPULATION AND ~~PROPOSED~~
ORDER TO STAY CASE PENDING
THE APPEAL OF *JEWEL v.*
NATIONAL SECURITY AGENCY

1
2 THE PARTIES, BY AND THROUGH THEIR RESPECTIVE COUNSEL,
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HEREBY STIPULATE, that this action shall be stayed in its entirety as to all parties pending the final disposition of the appeal of *Jewel, et al. v. National Security Agency, et al.*, N.D. Cal. Case No. 08-CV-4373-JSW (“*Jewel*”), now pending before the Ninth Circuit Court of Appeals as Case No. 19-16066. The stay is necessary because the resolution of several of the issues pending in the *Jewel* appeal will potentially inform the disposition of similar issues pending in this case. Judicial economy will be better served for those issues to be resolved through the appellate process in *Jewel* than for any aspect of this case to proceed at this time.

In entering into this stipulation, plaintiffs do not concede that an adverse ruling in the *Jewel* appeal would deprive them of standing in the instant action. To the contrary, and by way of example only, it is plaintiffs’ position that the government cannot reasonably dispute the standing of those plaintiffs who were Verizon Business Network Services subscribers whose communications and data were collected as described in the government-acknowledged April 25, 2013 FISC order. Plaintiffs reserve the right to bring a motion to end the stay if there is a material change of circumstances, including an undue delay in the *Jewel* appeal.

The government, in turn, notes that by entering this stipulation it does not concede that an adverse ruling in the *Jewel* appeal would establish plaintiffs’ standing in this case. Nor does the government concede that any of the plaintiffs in this case, including those who were Verizon Business Network Services subscribers, as described above, have standing to maintain their claims. Nevertheless, the parties’ disagreement on standing is immaterial for present purposes because both parties agree that the case should be stayed pending the final disposition of the appeal in *Jewel*.

1 Dated: September 20, 2019

By:

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4 *s/ Thomas E. Moore III*

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ORDER

IT IS SO ORDERED.

Dated: September 25, 2019



HON. JEFFREY S. WHITE