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UNITED STATES
FOREIGN INTELLIGENCE SURVEILLANCE COURT
WASHINGTON, D.C.

IN RE DIRECTIVES TO YAHOO!, INC.
PURSUANT TO SECTION 105B OF THE
FOREIGN INTELLIGENCE SURVEILLANCE
ACT (S)

Docket Number 105B(G): 07-01

ORDER ESTABLISHING PROCEDURES FOR HANDLING CLASSIFIED INFORMATION

To ensure that all information is properly classified and safeguarded in a manner consistent with its classification, this Court hereby establishes the following procedures for handling classified information in the above-captioned docket.

IT IS HEREBY ORDERED,

1. For the purposes of this litigation, this Court designates [REDACTED] Litigation Security Section, Security and Emergency Programs Staff, United States Department of Justice, as the Litigation Security Officer for the purpose of providing the security arrangements necessary to protect classified information or documents. This Court also designates Security Specialists [REDACTED] and [REDACTED] as alternate Litigation Security Officers.

2. The Litigation Security Officer shall identify appropriate representatives of the Executive Branch to review for proper classification the respondent's filings and the Court's opinions and orders in this matter.¹ The Litigation Security Officer

¹Because the attorneys for the government in this matter include attorneys with original (continued...)

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shall ensure that no such representative is, or has been, involved substantively in the matter being litigated in this docket. The selected Executive Branch representatives shall be available to review documents and information expeditiously.

3. The Litigation Security Officer shall provide counsel for respondent access to the secure equipment necessary for that attorney to properly litigate this matter.² In the event the Litigation Security Officer determines it is in the best interest of national security to require respondent's counsel to work in a government facility, the Litigation Security Officer shall arrange for and maintain such facility. Counsel for respondent shall seek guidance from the Litigation Security Officer with regard to appropriate storage, handling, transmittal, and use of classified information and shall treat all information, including any oral or written communication, as presumptively classified at the highest level of his security clearance.

4. Any pleading or other document filed by the respondent shall be filed with the Court through the Litigation Security Officer or her designee. The time of physical submission to the Litigation Security Officer or designee shall be considered the date and time of filing. Immediately upon receipt, the Litigation Security Officer shall deliver to the Court and counsel for the United States any pleading or document filed by respondent. Pending the below-referenced security review, all pleadings and documents shall be treated as presumptively classified at the highest level of respondent's counsel's security clearance.

5. The Litigation Security Officer shall promptly examine any pleading or other document filed by respondent and, as appropriate, consult with the above-referenced Executive Branch representatives to determine the proper classification of the pleading or document. All such pleadings and documents shall be portion marked with the appropriate classification marking. Properly marked copies shall

¹(...continued)

classification authority, the Court assumes that the government will properly classify and mark the information contained in its filings.

²Counsel for respondent has informed the Court that he currently possesses a top secret security clearance. (Request of Marc J. Zwilling to Appear On Behalf Of Yahoo!, Inc, Nov. 30, 2007)

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be provided to the parties and the Court.

6. Any pleading or other document filed by the government shall be filed with the Litigation Security Officer or her designee. The time of physical submission to the Litigation Security Officer or designee shall be considered the date and time of filing. Immediately upon receipt, the Litigation Security Officer or her designee shall deliver to the Court and counsel for respondent any pleading or document filed by the United States, unless the government's submission is identified as *ex parte*, in which case the document shall be filed only with the Court.

7. All prior filings submitted by respondent in this matter, as well as all Orders of the Court issued to date in this matter, shall be reviewed by the Litigation Security Officer, and the above-referenced Executive Branch representatives as appropriate, to confirm that all such documents are properly classified and safeguarded.

IT IS SO ORDERED, this 28th day of December 2007.



REGGIE B. WALTON
Judge, United States Foreign Intelligence
Surveillance Court

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I, Karen E. Sutton, Clerk,
FISC. certify that this document
is a true and correct copy
of the original 