

IN THE FOREIGN INTELLIGENCE SURVEILLANCE COURT

2016 FEB -5 PM 12:15

In re: Directives Pursuant to Section
105B of the Foreign Intelligence
Surveillance Act

No. 105B(g) 07-01 ANN FLYNN HALL
CLERK OF COURT

**YAHOO! INC.'S UNCLASSIFIED MOTION FOR A STATUS
CONFERENCE**

Pursuant to this Court's July 15, 2013, order, the Government has conducted a declassification review of court records associated with this case. On January 30, 2015, the Government submitted all proposed redactions to the Court for all documents in this Court's files. Now that the Government has submitted all relevant redactions, Yahoo respectfully requests that this Court hold a status conference to discuss whether the Court requires any more information from the parties to complete its review and to set a schedule for Yahoo's review and public release of the declassified documents.

Background

On July 15, 2013, this Court ordered the Government to conduct a declassification review of documents filed in this case for public release. On October 21, 2013, the parties filed a joint motion to allow Yahoo to review the declassified documents before publication. On October 22, 2013, the Court granted the parties' motion and suspended its review of proposed redactions the

Government submitted to permit the declassification process before the FISCR in Docket No. 08-01 to inform its examination of declassified materials in this matter.

On October 24, 2014, Yahoo filed a motion to lift the stay of this Court's review of proposed redactions, because the declassification review process in the FISCR was complete. On November 5, 2014, this Court issued an order lifting the suspension of its review of redactions and ordered the Government to submit a timetable for completing its review and submission of proposed redactions. The parties disagreed about the scope of the required review, and after briefing, this Court ordered the Government to review the full text of all documents submitted to the Court and submit proposed redactions by January 30, 2015.

On January 30, 2015, the Government provided the Court with proposed redactions for all documents not already declassified by the Government and unsealed by the FISCR. Later, on March 4, 2015, the Government submitted two additional, partially-redacted documents which it determined could be released to the public.

While the Government has provided documents with proposed redactions to the Court, it has not given Yahoo access to declassified versions of those documents for Yahoo's review. Instead, the Government has informed Yahoo it is waiting for comments from the Court before it provides Yahoo with such

documents. Meanwhile, a nearly a year has passed no documents have yet been released.

Now that the Government has submitted all proposed redactions and the Court is in possession of all documents, Yahoo believes it would be beneficial to conduct a status conference to determine whether the Court requires any additional information from the parties to complete its review and to set a schedule for Yahoo's review followed by the public release of these documents. Yahoo has conferred with the Government, and the Government takes no position on this motion.

Conclusion

Yahoo asks this Court to set a status conference to determine a final schedule for review of the redacted documents followed by their public release.

Dated: February 1, 2016

Signature: /s/ Jacob A. Sommer
Marc J. Zwillinger
Jacob A. Sommer
ZwillGen PLLC
1705 N St. NW
Washington, DC 20036
marc@zwillgen.com
jake@zwillgen.com
Attorneys for Yahoo! Inc.

CERTIFICATE OF SERVICE

I certify that on February 1, 2016, I served copies of the foregoing motion
on:

██████████
United States Department of Justice
Litigation Security Group
2 Constitution Square
145 N St NE
Suite 2W-115
Washington, D.C. 20530
(202) 514-9016
██████████

pursuant to FISC Rule 8 and procedures established by the Security and
Emergency Planning Staff, United States Department of Justice.

/s/Jacob A. Sommer

Jacob A. Sommer