2 3 4 5 6 7 8 9	CINDY COHN (145997) cindy@eff.org LEE TIEN (148216) KURT OPSAHL (191303) KEVIN S. BANKSTON (217026) JAMES S. TYRE (083117) 454 Shotwell Street San Francisco, CA 94110 Telephone: 415/436-9333; Fax: 415/436-9993 RICHARD R. WIEBE (121156) wiebe@pacbell.net LAW OFFICE OF RICHARD R. WIEBE 425 California Street, Suite 2025 San Francisco, CA 94104 Telephone: 415/433-3200; Fax: 415/433-6382 Attorneys for Plaintiffs	tmoore@moorelawteam.com THE MOORE LAW GROUP 228 Hamilton Avenue, 3rd Floor Palo Alto, CA 94301 Telephone: 650/798-5352; Fax: 650/798-5001 KEKER & VAN NEST, LLP RACHAEL E. MENY (178514) rmeny@kvn.com PAUL L. BLIZZARD (207920) MICHAEL S. KWUN (198945) AUDREY WALTON-HADLOCK (250574) 710 Sansome Street San Francisco, CA 94111-1704 Telephone: 415/391-5400; Fax: 415/397-7188
12	UNITED STATES DISTRICT COURT	
13	FOR THE NORTHERN DISTRICT OF CALIFORNIA SAN FRANCISCO DIVISION	
14	SAN FRANCIS	
15	CAROLYN JEWEL, et al.,) CASE NO. C-08-4373-VRW)
16 17 18 19 20 21	Plaintiffs, v. NATIONAL SECURITY AGENCY, et al., Defendants.	DECLARATION OF CINDY COHN IN SUPPORT OF PLAINTIFFS' MOTION FOR ADMINISTRATIVE RELIEF FROM IMPROPER MOTION FOR RECONSIDERATION BY INDIVIDUAL CAPACITY DEFENDANTS REQUEST FOR IMMEDIATE STATUS CONFERENCE Local Rule 7-11
22 23 24 25 26 27 28	the California State Bar, and am admitted to prac	fs in this action and a member of good Standing of ctice before this Court. I have personal knowledge d upon to do so, I am competent to testify to all

DECLARATION OF CINDY A. COHN IN SUPPORT OF PLAINTIFFS MOTION FOR ADMINISTRATIVE RELIEF FROM IMPROPER MOTION FOR RECONSIDERATION BY INDIVIDUAL CAPACITY DEFENDANTS

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1	2. On afternoon of Friday, July 10, 2009 the Individual Capacity Defendants filed a	
2	Motion for Relief from this Court's April 28 and May 8 Orders (Dkt No. 32). The Defendants did	
3	not seek to meet and confer with Plaintiffs before filing this motion.	
4	3. On Monday, July 13, 2009 at 9:45am California time, I called counsel for the Individual	
5	Capacity Defendants, James Whitman, and left a message informing him that the motion was ar	
6	improper Motion for Reconsideration that did not properly follow the local rules. I asked that he	
7	withdraw it. I also informed him that if the Individual Capacity Defendants did not do so, I would	
8	be bringing this to the Court's attention later that day or early the next.	
9	4. Mr. Whitman responded at 12:05pm via email stating that the Individual Capacity	
10	Defendants do not believe that the motion they filed last Friday is governed by Civil Local Rule 7-	
11	9 regarding motions for reconsideration, and are therefore unwilling to voluntarily withdraw the	
12	motion.	
13	5. Subsequently I notified Mr. Whitman by email that Plaintiffs intended to seek a status	
14	conference and the parties agreed that, if one is to be held, it would be most efficiently held on July	
15	15, 2009 after the Motion to Dismiss brought by the other defendants in this action.	
16	I declare under penalty of perjury under the laws of the United States of America that the	
17	foregoing is true and correct.	
18		
19	DATED: July 13, 2009	
20	By <u>/s/Cindy A. Cohn</u> Cindy A. Cohn, Esq.	
21	Cindy A. Cohn, Esq.	
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26		
27		
28	-1- DECLARATION OF CINDY A. COHN IN SUPPORT OF	
	DECEMBER OF CHIEF IS, CORRESPONDED TO	