

1 [Counsel listed on subsequent pages]
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FILED
COURT OF APPEALS FOR THE NORTHERN DISTRICT OF CALIFORNIA
CIRCUIT CLERK'S OFFICE, SAN FRANCISCO
03 JUL 31 PM 1:59
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12 UNITED STATES DISTRICT COURT
13 FOR THE NORTHERN DISTRICT OF CALIFORNIA
14 SAN FRANCISCO DIVISION

15 IN RE NATIONAL SECURITY AGENCY)
16 TELECOMMUNICATIONS RECORDS)
17 LITIGATION, MDL No. 1791)
18 This Document Relates To: All Cases Except:)
19 *Al-Haramain Islamic Foundation, Inc. v. Bush,*)
20 No. 07-0109; *Center for Constitutional Rights v.*)
21 *Bush*, No. 07-1115; *Guzzi v. Bush*, No. 06-)
22 06225; *Shubert v. Bush*, No. 07-0693; *Clayton v.*)
23 *AT&T Commc'sns of the Southwest*, No. 07-1187;)
24 *U.S. v. Adams*, No. 07-1323; *U.S. v. Clayton*, No.)
25 07-1242; *U.S. v. Palermino*, No. 07-1326; *U.S. v.*)
Rabner, No. 07-1324; *U.S. v. Volz*, No. 07-1396;)
McMurray v. Verizon Communications, Inc. No.)
09-0131; *Conner. v. Scroggins*, No. 06-05576;)
Derosier v. Cingular Wireless LCC et al., No.)
06-06253; *Payne v. Verizon Communic'ns, Inc.*)
No. 06-06435; *Electron Tubes, Inc. v. Verizon*)
Communications, No. 06-06433; *Trevino et al v.*)
AT&T Communications of the Southwest, Inc.,)
No. 06-05268; *U.S. v. Maine PUC*, No. 07-)
01323; *U.S. v. Gaw*, No. 07-01242; *U.S. v.*)
O'Donnell, No. 07-01324; *Marck, et al. v.*)
Verizon Communications, Inc., No. 06-05063

) MDL Docket No. 06-1791 VRW

CLASS ACTIONS

**JOINT NOTICE OF APPEAL OF
DESIGNATED PLAINTIFFS AND
ACTIONS**

Courtroom: 6, 17th Floor
Judge: The Hon. Vaughn R. Walker

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1 Please take notice that all plaintiffs in the actions designated below, and each of them,
2 hereby appeal to the United States Court of Appeals for the Ninth Circuit from the district court's
3 Order dated June 3, 2009, granting the United States' motion for dismissal under Section 802 of
4 FISA (50 U.S.C. § 1885a), pursuant to Section 802(f) (50 U.S.C. § 1885a(f)), and from the district
5 court's judgment[s] dismissing plaintiffs' actions entered on July 21 , 2009.

6 This Notice applies to all plaintiffs in the following actions:

<u>Action</u>	<u>Plaintiffs And Appellants</u>
<i>Hepting, et al. v. AT&T Corp., et al., N.D. Cal. No. 06-00672</i>	All plaintiffs, including Tash Hepting, Gregory Hicks, Carolyn Jewel and Erik Knutzen, on behalf of themselves and the AT&T Plaintiff Class

10 DATED: July 30 2009

11 ELECTRONIC FRONTIER FOUNDATION

12 By 

13 Cindy A. Cohn

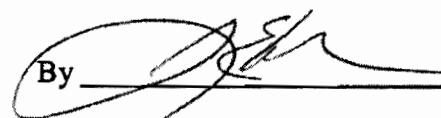
14 Attorneys for all plaintiffs in *Hepting, et al. v.*
15 *AT&T Corp., et al., N.D. Cal. No. 06-00672*

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1	<i>Basinski et al. v. Verizon</i>	All plaintiffs, including Sean Basinski and Gina
2	<i>Communications, Inc.,</i>	Migliaccio
3	S.D.N.Y. No. 06-4169, N.D. Cal. 06-06434	

DATED: July 29 2009

THE MASON LAW FIRM

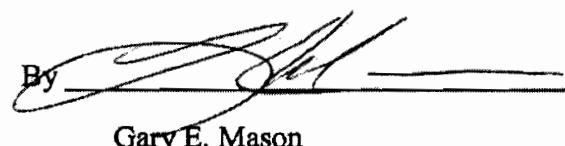
5
6
7
By 
Gary E. Mason

8 Attorneys for all plaintiffs in *Basinski et al. v.*
9 *Verizon Communications, Inc.*, S.D.N.Y. No. 06-
4169, N.D. Cal. 06-06434.

10	<i>Suchanek v. Sprint Nextel</i>	All plaintiffs, including Richard D. Suchanek III.
11	<i>Corp.</i> , W.D. Ken. No. 06- 71, N.D. Cal. No. 06- 06295	

13 DATED: July 29, 2009

THE MASON LAW FIRM, LLP

14
15 By 
16 Gary E. Mason

17 Attorneys for all plaintiffs in *Suchanek v. Sprint*
18 *Nextel Corp.*, W.D. Ken. No. 1:06-71, N.D. Cal.
No. 06-06295.

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1 *Bissitt, et al. v. Verizon*
2 *Communications, Inc.,*
3 *Bellsouth Corp., D. R.I.,*
4 *No. 06-220, N.D. Cal. No.*
5 *06-05066*

All plaintiffs, including Charles F. Bissitt, Sandra Bissitt, George Hayek, III, June Matrumalo, Gerard Thibeault, Arthur Bouchard, Maryann Bouchard, Aldo Caparco, Janice Caparco, Jenna Caparco, Rose Deluca, Nicole Mirabella, Patricia Pothier, Paul Pothier, Marshall Votta, Vincent Matrumalo, Paula Matrumalo, Jennifer Thomas, Christine Douquette and Maryann Klaczynski.

6 DATED: July 10, 2009

7 REVENTS, REVENS & ST. PIERRE

8 By Michael A. St. Pierre

9 Michael A. St. Pierre
10 Attorneys for all plaintiffs in *Bissett, et al. v.*
11 *Verizon Communications, Inc., Bellsouth Corp.,*
12 *D. R.I., No. 06-220, N.D. Cal. No. 06-05066*

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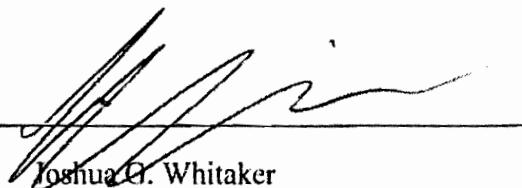
1 *Bready, et al. v. Verizon*
2 *Maryland, Inc., Verizon,*
3 *D. Md. No. 06-2185, N.D.*
4 *Cal. No. 06-06313*

5 All plaintiffs, including Christopher Bready, Anne
6 Bready, Kyu Chun Kim, Jenet Artis, Claudis Artis, David
7 Beverly, Jr.

8 DATED: July 12, 2009

9 GRIFFIN WHITAKER LLP

10 By _____

11 
12 Joshua O. Whitaker

13 Attorneys for all plaintiffs in *Bready, et al. v.*
14 *Verizon Maryland*, D. Md. No. 06-2185, N.D.
15 Cal. No. 06-06313 i

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1	<i>Campbell, et al. v. AT&T Communications of California, AT&T Corp., AT&T Inc.</i> , N.D. Cal. No. 06-03596	All plaintiffs, including Tom Campbell, George Main, Dennis P. Riordan, Margaret Russell, Robert Scheer, Peter Sussman, Richard Belzer, Marc Cooper, Stephen J. Mather, Sandra Richards, Curren Warf, American Civil Liberties Union of Northern California, ACLU of Southern California, American Civil Liberties Union of San Diego/Imperial Counties
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6 DATED: July 18, 20097
8 AMERICAN CIVIL LIBERTIES UNION
9 FOUNDATION10 By Ann Brick11
12 Ann Brick
13 American Civil Liberties Union Foundation
14 of Northern California, Inc.15 Peter Eliasberg
16 American Civil Liberties Union Foundation
17 of Southern California18 Attorneys for all plaintiffs in *Campbell, et al. v. AT&T Communications of California, AT&T Corp., AT&T Inc.*, N.D. Cal. No. 06-03596

19 20 21 22 23 24 25 26 27 28	<i>Riordan, et al. v. Verizon Communications, Inc.</i> , N.D. Cal. No. 06-03574	All plaintiffs, including Dennis P. Riordan, Edward Gerard de Bonis, Robert S. Gerstein, Rod Gorney, Robert Jacobson, Vincent J. Maniscalco, Carol Sobel, American Civil Liberties Union of Northern California, ACLU of Southern California, American Civil Liberties Union of San Diego/Imperial Counties
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DATED: July 18, 2009AMERICAN CIVIL LIBERTIES UNION
FOUNDATIONBy Ann BrickAnn Brick
American Civil Liberties Union Foundation
of Northern California, Inc.Peter Eliasberg
American Civil Liberties Union Foundation
of Southern CaliforniaAttorneys for all plaintiffs in *Riordan, et al. v. Verizon Communications, Inc.*, N.D. Cal. No. 06-03574

1	<i>Chulsky, et al. v Cellco Partnership, AT&T, Inc., Verizon Communications, Inc., D. N.J. No. 06-2530, N.D. Cal. No. 06-06570</i>	All plaintiffs, including Glen Chulsky, Alejandro Trombley, Samuel Fisher, Omar Moreno, Stephen Ternlund, Paul Robilotti, Alan Toly Sapoznik
---	--	--

4 DATED: July 28, 2009 MOTLEY RICE, LLC

5 By _____
6

7 Jodi W. Flowers
8 Vincent I. Parrett

9 Attorneys for all plaintiffs in *Chulsky, et al. v*
10 *Cellco Partnership, AT&T, Inc., Verizon*
11 *Communications, Inc., D. N.J. No. 06-2530, N.D.*
12 *Cal. No. 06-06570*

13	<i>Crockett, et al. v. Hawaiian Telcom, Inc., Nextel West Corp., AT&T, Inc., D. Hawaii. No. 06- 0345, N.D. Cal. 06-06254</i>	All plaintiffs, including Charmaine Crockett, A. Joris Watland, Anakalia Kaluna, Kim Coco Iwamoto, William R. Massey
----	--	--

14 DATED: July 28, 2009 MOTLEY RICE, LLC

15 By _____
16

17 Jodi W. Flowers
18 Vincent I. Parrett

19 Attorneys for all plaintiffs in *Crockett, et al. v.*
20 *Hawaiian Telcom, Inc., Nextel West Corp.,*
21 *AT&T, Inc., D. Hawaii. No. 06-0345, N.D. Cal.*
22 *06-06254*

1	<i>Cross, et al. v. AT&T Communications, Inc., AT&T Corp., AT&T Teleholdings, Inc., AT&T, Inc., Bright House Networks, LLC, Indiana Bell Telephone Company Inc., MCI Communications Services, Inc., Nextel West Corp., Sprint Communications Co., LP, Sprint Spectrum LP, TDS Communications Solutions, Inc., S.D. Ind.. No. 06-0847, N.D. Cal. No. 06-06222</i>	All plaintiffs, including Travis Cross, John Elder, Gabriel Fileppelli, Sam Goldstein, Healing Arts Center, David Kadlec, The Libertarian Party of Indiana, Tim Peterson, Carolyn W. Rader, Sam Goldstein Insurance Agency, Inc., Sean Sheppard
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9
10 DATED: July 28, 2009

MOTLEY RICE, LLC

11 By _____
1213 Jodi W. Flowers
Vincent I. Parrett14 Attorneys for all plaintiffs in *Cross, et al. v.*
15 *AT&T Communications, Inc, AT&T Corp., AT&T*
16 *Teleholdings, Inc., AT&T, Inc., Bright House*
17 *Networks, LLC, Indiana Bell Telephone Company*
18 *Inc., MCI Communications Services, Inc., Nextel*
West Corp., Sprint Communications Co., LP,
Sprint Spectrum LP, TDS Communications
Solutions, Inc., S.D. Ind.. No. 06-0847, N.D. Cal.
No. 06-0622219
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1	<i>Dubois, et al. v. AT&T</i>	All plaintiffs, including Christopher Yowtz, Rebecca
2	<i>Corp., Charter</i>	<i>Yowtz, Joan DuBois</i>
3	<i>Communications, LLC,</i>	
4	<i>MCI Worldcom</i>	
	<i>Communications, Inc.,</i>	
	W.D. Mich. No. 06-0085,	
	N.D. Cal. No. 06-06387	

5 DATED: July 29, 2009

MOTLEY RICE, LLC

6 By _____



7
8 Jodi W. Flowers
9 Vincent I. Parrett

10 Attorneys for all plaintiffs in *Dubois, et al. v.*
11 *AT&T Corp., Charter Communications, LLC,*
12 *MCI Worldcom Communications, Inc.,*
13 W.D. Mich. No. 06-0085, N.D. Cal. No. 06-
14 06387

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1	<i>Cross, et al. v. AT&T</i>	All plaintiffs, including Travis Cross, John Elder, Gabriel
2	<i>Communications, Inc,</i>	Fileppelli, Sam Goldstein, Healing Arts Center, David
3	<i>AT&T Corp., AT&T</i>	Kadlec, The Libertarian Party of Indiana, Tim Peterson,
4	<i>Teleholdings, Inc., AT&T,</i>	Carolyn W. Rader, Sam Goldstein Insurance Agency,
5	<i>Inc., Bright House</i>	Inc., Sean Sheppard
6	<i>Networks, LLC, Indiana</i>	
7	<i>Bell Telephone Company</i>	
8	<i>Inc., MCI</i>	
9	<i>Communications Services,</i>	
10	<i>Inc., Nextel West Corp.,</i>	
11	<i>Sprint Communications</i>	
12	<i>Co., LP, Sprint Spectrum</i>	
13	<i>LP, TDS Communications</i>	
14	<i>Solutions, Inc., S.D. Ind..</i>	
15	No. 06-0932, N.D. Cal.	
16	No. 06-06224	

DATED: July 24, 2009

MOTLEY RICE, LLC

By _____



Jodi W. Flowers
Vincent I. Parrett

14 Attorneys for all plaintiffs in *Cross, et al. v.*
15 *AT&T Communications, Inc, AT&T Corp., AT&T*
16 *Teleholdings, Inc., AT&T, Inc., Bright House*
17 *Networks, LLC, Indiana Bell Telephone Company*
18 *Inc., MCI Communications Services, Inc., Nextel*
19 *West Corp., Sprint Communications Co., LP,*
20 *Sprint Spectrum LP, TDS Communications*
21 *Solutions, Inc., S.D. Ind.. No. 06-0847, N.D. Cal.*
22 No. 06-06222

1 Pat Mahoney v. Verizon,
2 D. R.I. No. 1:06-224, N.D.
3 Cal. No. 06-5065

Pat Mahoney

DATED: July 22, 2009

STANLEY MANDEL & IOLA LLP

4 By Roger L. Mandel

5 Roger L. Mandel

6 Attorneys for plaintiff Pat Mahoney in *Pat*
7 *Mahoney v. Verizon*, D. R.I. No. 1:06-224, N.D.
8 Cal. No. 06-5065

9

10 Pam Mahoney v. AT&T,
11 D. R.I. No. 1:06-223, N.D.
12 Cal. No. 06-5064

Pam Mahoney

DATED: July 22, 2009

STANLEY MANDEL & IOLA LLP

13 By Roger L. Mandel

14 Roger L. Mandel

15 Attorneys for all plaintiff Pam Mahoney in *Pam*
16 *Mahoney v. AT&T*, D. R.I. No. 1:06-223, N.D.
17 Cal. No. 06-5064

18

19

20 Solomon v. Verizon, E.D.
21 Pa. No. 2:06-2193, N.D.
22 Cal. 06-6388

Mark P. Solomon

DATED: July 22, 2009

STANLEY MANDEL & IOLA LLP

23 By Roger L. Mandel

24 Roger L. Mandel

25 Attorneys for all plaintiffs in Mark P. Solomon in
26 *Mark P. Solomon v. Verizon*, E.D. Pa. No. 2:06-
27 2193, N.D. Cal. 06-6388

1 Fuller, v. Verizon, Verizon
2 Wireless, D. Mont. No.
3 9:06-77, N.D. Cal. No. 06-
4 5267

Rhea Fuller

3 DATED: July 22, 2009

STANLEY MANDEL & IOLA LLP

4
5 By Roger L. Mandel

6 Roger L. Mandel

7 Attorneys for all plaintiff Rhea Fuller in *Rhea*
8 *Fuller, et al. v. Verizon, Verizon Wireless*, D.
9 Mont. No. 9:06-77, N.D. Cal. No. 06-5267

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1 *Souder v. AT&T Inc,*
2 *AT&T Corp, S.D. Cal.*
3 *No. 3:06-1058, N.D. Cal.*
4 *No. 06-5067*

Shelly D. Souder

DATED: July 22, 2009

STANLEY MANDEL & IOLA LLP

By Roger L. Mandel

Roger L. Mandel

Attorneys for plaintiff Shelly D. Souder in *Shelly D. Souder v. AT&T Inc, AT&T Corp, S.D. Cal.*
No. 3:06-1058, N.D. Cal. 06-5067

12 *Dolberg v. AT&T Corp,*
13 *AT&T Inc., D.Mont. No.*
14 *06-78, N.D. Cal. No. 06-*
15 *5269*

Steve Dolberg

DATED: July 22, 2009

STANLEY MANDEL & IOLA LLP

By Roger L. Mandel

Roger L. Mandel

Attorneys for all plaintiff Steve Dolberg in *Steve v. AT&T Corp, AT&T Inc., D.Mont. No. 06-78,*
N.D. Cal. No. 06-5269

1

2 *Fortnash v. AT&T Corp.,*
3 S.D. Fla. No. 06-828, N.D.
4 Cal. No. 06-06385

Theresa Fortnash

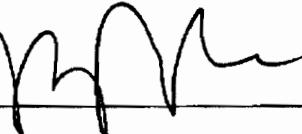
5

DATED: July 30, 2009

BROAD AND CASSEL

6

By



M. Stephen Turner

7

8 Attorneys for plaintiff Theresa Fortnash in
9 *Fortnash v. AT&T Corp.*, S.D. Fla. No. 06-828,
10 N.D. Cal. No. 06-06385

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1	<i>Hardy. v. AT&T Corp,</i> E.D. La. No. 06-2852, N.D. Cal. No. 06-06924	D. Clive Hardy
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3 DATED: July 30 2009

4 By Gerald E. Meunier

5 Gerald E. Meunier

6 Attorneys for all plaintiffs in *Hardy, et al. v.*
7 *AT&T Corp*, E.D. La. No. 2:06-2852

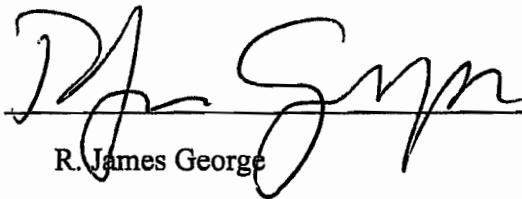
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1	<i>Harrington, et al. v.</i> <i>AT&T Inc., AT&T Corp.,</i> <i>AT&T Operations, Inc,</i> <i>New Cingular Wireless</i> <i>Services, Inc., W.D. Tex.</i> No. 06-374, N.D. Cal. No. 06-05452	All plaintiffs, including James C. Harrington, Richard A. Grigg, Louis Black, The Austin Chronicle, and Michael Kentor
---	--	--

DATED: July 28, 2009

GEORGE & BROTHERS, LLP

By



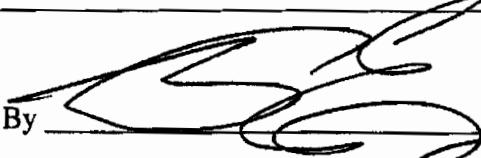
R. James George

Attorneys for all plaintiffs in *Harrington, et al. v.*
AT&T Inc., AT&T Corp., AT&T Operations, Inc,
New Cingular Wireless Services, Inc., W.D. Tex.
No. 06-374, N.D. Cal. No. 06-05452

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1	<i>Herron, et al. v.</i>	All plaintiffs, including Tina Herron and Brandy Sergi
2	<i>Verizon Global Networks,</i>	
3	<i>Inc., AT&T Corp., AT&T</i>	
4	<i>Co., BellSouth</i>	
5	<i>Communications Systems,</i>	
6	<i>LLC, and BellSouth</i>	
7	<i>Telecommunications, Inc.,</i>	
8	E.D. La. No. 06-2491,	
9	N.D. Cal. No. 06-05343	

DATED: July 28 2009

By 

Val Patrick Exnicios

Attorneys for all plaintiffs in *Herron, et al. v.*
Verizon Global Networks, Inc., AT&T Corp.,
AT&T Co., BellSouth Communications Systems,
LLC, and BellSouth Telecommunications, Inc.,
E.D. La. No. 06-2491, N.D. Cal. No. 06-05343

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1 *Hines, et al. v Verizon*
2 *Communications, Inc.,*
3 *Verizon Northwest, Inc.,*
4 *D. Ore. No. 06-0694, N.D.*
5 *Cal. No. 06-05341*

All plaintiffs, including Darryl Hines, Alex Klabacka, and
Jana Klabacka

DATED: July 29, 2009

SLATER ROSS

By _____

Christopher A. Slater

Attorneys for all plaintiffs in *Hines, et al. v*
Verizon Communications, Inc., Verizon
Northwest, Inc., D. Ore. No. 06-0694, N.D. Cal.
No. 06-05341

1 *Jacobs, et al. v. AT&T*
2 *Corp., BellSouth*
3 *Telecommunications, Inc.,*
4 *Cingular Wireless, LLC,*
5 *Verizon Communications,*
6 *Inc., Verizon Florida, Inc.,*
7 *S.D. Fla. No. 07-60365,*
8 *N.D. Cal. No. 07-02538*

All plaintiffs, including Howard Jacobs, Laurence Kornblum, and Kathleen Miller

DATED: July 30, 2009

BADER, STILLMAN & ADLER, PL

By

Brian H. Adler

10 Attorneys for all plaintiffs in *Jacobs, et al. v.*
11 *AT&T Corp., BellSouth Telecommunications,*
12 *Inc., Cingular Wireless, LLC, Verizon*
13 *Communications, Inc., Verizon Florida, Inc.,*
14 *S.D. Fla. No. 07-60365, N.D. Cal. No. 07-02538*

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1	<i>Mink v. AT&T Communications of the Southwest, Inc., Southwestern Bell Telephone, L.P. and SBC Long Distance, LLC, E.D. Mo., No. 06-1113, N.D. Cal. No. 06-07934</i>	All plaintiffs, including Claudia Mink
---	--	--

6 DATED: July30, 2009

STONE, LEYTON & GERSHMAN, P.C.

7 By _____
8

9 Sam J. Alton
Joseph R. Dulle
10

11 Attorneys for all plaintiffs in *Mink v. AT&T*
12 *Communications of the Southwest, Inc.,*
13 *Southwestern Bell Telephone, L.P. and SBC Long*
14 *Distance, LLC, E.D. Mo., No. 06-1113, N.D. Cal.*
15 *No. 06-07934*

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