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11 Attorneys for Intervenor Defendant United States of America

12  
 13 UNITED STATES DISTRICT COURT  
 14 NORTHERN DISTRICT OF CALIFORNIA

15 TASH HEPTING, GREGORY HICKS )  
 16 CAROLYN JEWEL and ERIK KNUTZEN )  
 on Behalf of Themselves and All Others )  
 17 Similarly Situated, )  
 )  
 18 Plaintiffs, )

19 v. )

20 )  
 21 )  
 AT&T CORP., AT&T INC. and )  
 22 DOES 1-20, inclusive, )  
 )  
 23 Defendants. )

Case No. C-06-0672-VRW

ADMINISTRATIVE MOTION BY THE  
 UNITED STATES OF AMERICA  
 TO SET HEARING DATE FOR THE  
 UNITED STATES' MOTIONS

[Civ. L.R. 7-11]

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

1 Intervenor defendant United States of America hereby moves, pursuant to Civil L.R. 7-  
2 11, for an order setting the hearing date for the United States' Motion To Intervene and for the  
3 United States' Motion To Dismiss Or, In The Alternative, For Summary Judgment, for June 21,  
4 2006, the same hearing date as Plaintiffs' Motion For Preliminary Injunction. The reasons for  
5 this request are as follows:

6 1. The United States has filed a Motion To Intervene and a Motion To Dismiss Or,  
7 In The Alternative, For Summary Judgment. Through these motions, the United States seeks to  
8 intervene in this action for the purpose of seeking dismissal or summary judgment based on the  
9 assertion of the military and state secrets privilege and specified statutory privileges.

10 2. Plaintiffs have filed a motion for preliminary injunction, which currently has a  
11 hearing date of June 21, 2006.

12 3. Because the United States is seeking dismissal or summary judgment based on the  
13 assertion of the military and state secrets privilege and specified statutory privileges, the United  
14 States' motions logically need to be heard prior to, or at the same time as, Plaintiffs' pending  
15 Motion for Preliminary Injunction. Thus, the United States believes it would be most efficient  
16 for the Court to hear the United States' motions prior to, or at the same time as, Plaintiffs'  
17 Motion for Preliminary Injunction.

18 4. As explained in the attached Declaration of Anthony J. Coppolino, Defendants do  
19 not oppose this motion, and Plaintiffs reserve their position regarding whether to oppose this  
20 motion until the scheduling conference currently set for May 17, 2006.

21 Accordingly, the United States respectfully requests that the Court set a hearing date on  
22 the United States' Motion To Intervene and on its Motion To Dismiss Or, In The Alternative,  
23 For Summary Judgment for June 21, 2006.

24 Respectfully submitted,

25 PETER D. KEISLER  
26 Assistant Attorney General, Civil Division

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Attorneys for Intervenor Defendant United States

DATED: May 12, 2006

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing **ADMINISTRATIVE MOTION BY THE UNITED STATES OF AMERICA TO SET HEARING DATE FOR THE UNITED STATES'**

**MOTIONS** will be served by means of the Court's CM/ECF system, which will send notifications of such filing to the following:

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