

FILED

UNITED STATES COURT OF APPEALS

MAY 23 2011

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

In re: NATIONAL SECURITY AGENCY  
TELECOMMUNICATIONS RECORDS  
LITIGATION,

No. 09-16676

D.C. Nos. 3:06-cv-00672-VRW  
M:06-cv-01791-VRW

Northern District of California,  
San Francisco

TASH HEPTING; GREGORY HICKS;  
ERIK KNUTZEN; CAROLYN JEWEL,  
on behalf of themselves and all other  
similarly situated,

ORDER

Plaintiffs - Appellants,

v.

AT&T CORPORATION; AT&T, INC.,

Defendants - Appellees,

UNITED STATES OF AMERICA,

Defendant-intervenor -  
Appellee.

SEAN BASINSKI, on behalf of himself  
and all others similarly situated; ALL  
PLAINTIFFS,

No. 09-16677

D.C. Nos. 3:06-cv-06434-VRW  
M-06-cv-01791-VRW

Northern District of California,  
San Francisco

Plaintiffs - Appellants,

v.

VERIZON COMMUNICATIONS, INC.;

VERIZON,

Defendants - Appellees,

UNITED STATES OF AMERICA,

Defendant-intervenor -  
Appellee.

RICHARD D. SUCHANEK, III, on behalf  
of himself and all others similarly situated;  
ALL PLAINTIFFS,

Plaintiffs - Appellants,

v.

SPRINT NEXTEL CORPORATION,

Defendant - Appellee,

UNITED STATES OF AMERICA,

Defendant-intervenor -  
Appellee.

No. 09-16679

D.C. Nos. 3:06-cv-06295-VRW  
M:06-cv-01791-VRW

Northern District of California,  
San Francisco

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;

No. 09-16682

D.C. Nos. 3:06-cv-05066-VRW  
M:06-cv-01791-VRW

Northern District of California,  
San Francisco

PAUL POTHIER; MARSHALL VOTTA;  
VINCENT MATRUMALO; PAULA  
MATRUMALO; JENNIFER THOMAS;  
CHRISTINE DOUQUETTE; MARYANN  
KLACZYNSKI; ALL PLAINTIFFS,

Plaintiffs - Appellants,

v.

VERIZON COMMUNICATIONS, INC.;  
VERIZON,

Defendants - Appellees.

CHRISTOPHER BREADY; ANNE  
BREADY; KYU CHUN KIM; JENET  
ARTIS; CLAUDIS ARTIS; DAVID  
BEVERLY, Jr.; ALL PLAINTIFFS,

Plaintiffs - Appellants,

v.

VERIZON MARYLAND, INC.;  
VERIZON,

Defendants - Appellees,

UNITED STATES OF AMERICA,

Defendant-intervenor -  
Appellee.

No. 09-16683

D.C. Nos. 3:06-cv-06313-VRW  
M:06-cv-01791-VRW

Northern District of California,  
San Francisco

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,  
a nonprofit corporation; ACLU OF  
SOUTHERN CALIFORNIA, a nonprofit  
corporation; AMERICAN CIVIL  
LIBERTIES UNION OF SAN  
DIEGO/IMPERIAL COUNTIES, a  
nonprofit corporation; ALL PLAINTIFFS,

Plaintiffs - Appellants,

v.

AT&T COMMUNICATIONS OF  
CALIFORNIA, a corporation; AT&T  
CORP., a corporation,

Defendants - Appellees,

UNITED STATES OF AMERICA,

Defendant-intervenor -  
Appellee.

No. 09-16684

D.C. Nos. 3:06-cv-03596-VRW  
M:06-cv-01791-VRW

Northern District of California,  
San Francisco

DENNIS P. RIORDAN; EDWARD  
GERARD DE BONIS; ROBERT S.  
GERSTEIN; ROD GORNEY; ROBERT  
JACOBSON; VINCENT J.  
MANISCALCO; CAROL SOBEL;

No. 09-16685

D.C. Nos. 3:06-cv-03574-VRW  
M:06-cv-01791-VRW

Northern District of California,

AMERICAN CIVIL LIBERTIES UNION  
OF NORTHERN CALIFORNIA, a  
nonprofit corporation; ACLU OF  
SOUTHERN CALIFORNIA, a nonprofit  
corporation; AMERICAN CIVIL  
LIBERTIES UNION OF SAN  
DIEGO/IMPERIAL COUNTIES, a  
nonprofit corporation; ALL PLAINTIFFS,

Plaintiffs - Appellants,

v.

VERIZON COMMUNICATIONS, INC., a  
corporation; VERIZON,

Defendants - Appellees,

UNITED STATES OF AMERICA,

Defendant-intervenor -  
Appellee.

San Francisco

GLEN CHULSKY; ALEJANDRO  
TROMBLEY; SAMUEL FISHER; OMAR  
MORENO; PAUL ROBILOTTI;  
STEPHEN TERNLUND; ANATOLY  
SAPOZNICK; ALL PLAINTIFFS,

Plaintiffs - Appellants,

v.

CELLCO PARTNERSHIP, DBA Verizon  
Wireless; VERIZON, Verizon

No. 09-16686

D.C. Nos. 3:06-cv-06570-VRW  
M:06-cv-01791-VRW

Northern District of California,  
San Francisco

Communications, Inc.; AT&T, INC.;  
CINGULAR WIRELESS,

Defendants - Appellees,

UNITED STATES OF AMERICA,

Defendant-intervenor -  
Appellee.

CHARMAINE CROCKETT; A. JORIS  
WATLAND; ANAKALIA KALUNA;  
KIM COCO IWAMOTO; WILLIAM R.  
MASSEY, individually and on behalf of  
all others similarly situated; ALL  
PLAINTIFFS,

Plaintiffs - Appellants,

v.

VERIZON WIRELESS, (VAW) LLC;  
HAWAIIAN TELECOM, INC., DBA  
Verizon Hawaii; NEXTEL WEST CORP.,  
DBA Sprint; CINGULAR WIRELESS  
LLC; VERIZON,

Defendants - Appellees,

UNITED STATES OF AMERICA,

Defendant-intervenor -  
Appellee.

No. 09-16687

D.C. Nos. 3:06-cv-06254-VRW  
M:06-cv-01791-VRW

Northern District of California,  
San Francisco

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; ALL PLAINTIFFS,

Plaintiffs - Appellants,

v.

AT&T COMMUNICATIONS, INC.;  
AT&T CORP.; AT&T TELEHOLDINGS,  
INC., FKA SBC; BRIGHT HOUSE  
NETWORKS, LLC; CINGULAR  
WIRELESS, LLC; COMCAST  
TELECOMMUNICATIONS, INC.;  
INDIANA BELL TELEPHONE  
COMPANY, INC., DBA SBC Ameritech  
Indiana; MCI COMMUNICATIONS  
SERVICES, INC.; NEXTEL WEST  
CORP., DBA Sprint Nextel; SPRINT  
COMMUNICATIONS COMPANY, L.P.;  
SPRING SPECTRUM L.P.; TDS  
COMMUNICATIONS SOLUTIONS,  
INC.; VERIZON WIRELESS SERVICES,  
INC.; VERIZON,

Defendants - Appellees,

UNITED STATES OF AMERICA,

Defendant-intervenor -  
Appellee.

No. 09-16688

D.C. Nos. 3:06-cv-06222-VRW  
M:06-cv-01791-VRW

Northern District of California,  
San Francisco

JOAN DUBOIS; CHRISTOPHER  
YOWTZ; REBECCA YOWTZ; ALL  
PLAINTIFFS,

Plaintiffs - Appellants,

v.

AT&T CORP.; CHARTER  
COMMUNICATIONS LLC; MCI  
COMMUNICATIONS SERVICES, INC.;  
TRANSWORLD NETWORK CORP.;  
VERIZON WIRELESS, LLC; VERIZON,

Defendants - Appellees,

UNITED STATES OF AMERICA,

Defendant-intervenor -  
Appellee.

No. 09-16690

D.C. Nos. 3:06-cv-06387-VRW  
M:06-cv-01791-VRW  
Northern District of California,  
San Francisco

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, individually an on behalf of  
others similarly situated; ALL  
PLAINTIFFS,

No. 09-16691

D.C. Nos. 3:06-cv-06224-VRW  
M:06-cv-01791-VRW  
Northern District of California,  
San Francisco



Plaintiffs - Appellants,

v.

AT&T COMMUNICATIONS OF CALIFORNIA, INC.; AT&T CORP.; AT&T TELEHOLDINGS, INC.; BRIGHT HOUSE NETWORKS, LLC; CINGULAR WIRELESS, LLC; COMCAST TELECOMMUNICATIONS, INC.; INDIANA BELL TELEPHONE COMPANY INCORPORATED, other SBC Ameritech Indiana; MCI WORLDCOM ADVANCED NETWORKS, LLC; MCLEODUSA TELECOMMUNICATIONS SERVICES, INC.; NEXTEL WEST CORP., DBA Sprint Nextel Corporation; SPRINT COMMUNICATIONS COMPANY L.P.; SPRING SPECTRUM L.P.; TDS COMMUNICATIONS SOLUTIONS, INC.; VERIZON WIRELESS SERVICES, LLC; VERIZON,

Defendants - Appellees,

UNITED STATES OF AMERICA,

Defendant-intervenor -  
Appellee.

PAT MAHONEY, individually, and on behalf of all others similarly situated; ALL PLAINTIFFS,

No. 09-16692

D.C. Nos. 3:06-cv-05065-VRW  
M:06-cv-01791-VRW

Plaintiffs - Appellants,

v.

AT&T COMMUNICATIONS, INC.;;  
AT&T CORP.,

Defendants - Appellees,

UNITED STATES OF AMERICA,

Defendant-intervenor -  
Appellee.

Northern District of California,  
San Francisco

PAMELA A. MAHONEY, on behalf of  
herself and all others similarly situated;  
ALL PLAINTIFFS,

Plaintiffs - Appellants,

v.

VERIZON COMMUNICATIONS, INC.;;  
VERIZON,

Defendants - Appellees,

UNITED STATES OF AMERICA,

Defendant-intervenor -  
Appellee.

No. 09-16693

D.C. Nos. 3:06-cv-05064-VRW  
M:06-cv-01791-VRW

Northern District of California,  
San Francisco

MARK P. SOLOMON, MD, on behalf of  
himself and all others similarly situated;

No. 09-16694

ALL PLAINTIFFS,

Plaintiffs - Appellants,

v.

VERIZON COMMUNICATIONS, INC.;  
VERIZON,

Defendants - Appellees,

UNITED STATES OF AMERICA,

Defendant-intervenor -  
Appellee.

D.C. Nos. 3:06-cv-06388-VRW  
M:06-cv-01791-VRW  
Northern District of California,  
San Francisco

RHEA FULLER, on behalf of herself and  
all others similarly situated; ALL  
PLAINTIFFS,

Plaintiffs - Appellants,

v.

VERIZON COMMUNICATIONS, INC.;  
VERIZON WIRELESS, LLC; VERIZON,

Defendants - Appellees,

UNITED STATES OF AMERICA,

Defendant-intervenor -  
Appellee.

No. 09-16696

D.C. Nos. 3:06-cv-05267-VRW  
M:06-cv-01791-VRW  
Northern District of California,  
San Francisco

SHELLY D. SOUDER; ALL  
PLAINTIFFS,

Plaintiffs - Appellants,

v.

AT&T INC.; AT&T CORP.,

Defendants - Appellees,

UNITED STATES OF AMERICA,

Defendant-intervenor -  
Appellee.

No. 09-16697

D.C. Nos. 3:06-cv-05067-VRW  
M:06-cv-01791-VRW

Northern District of California,  
San Francisco

STEVE DOLBERG, on behalf of himself  
and all others similarly situated; ALL  
PLAINTIFFS,

Plaintiffs - Appellants,

v.

AT&T, INC.; AT&T CORP.,

Defendants - Appellees,

UNITED STATES OF AMERICA,

Defendant-intervenor -  
Appellee.

No. 09-16698

D.C. Nos. 3:06-cv-05269-VRW  
M:06-cv-01791-VRW

Northern District of California,  
San Francisco

\_\_\_\_\_  
THERESA FORTNASH; ALL  
PLAINTIFFS,

Plaintiffs - Appellants,

v.

AT&T CORP.,

Defendant - Appellee,

UNITED STATES OF AMERICA,

Defendant-intervenor -  
Appellee.

No. 09-16700

D.C. Nos. 3:06-cv-06385-VRW  
M:06-cv-01791-VRW

Northern District of California,  
San Francisco

\_\_\_\_\_  
D. CLIVE HARDY; ALL PLAINTIFFS,

Plaintiffs - Appellants,

v.

AT&T CORPORATION,

Defendant - Appellee,

UNITED STATES OF AMERICA,

Defendant-intervenor -  
Appellee.

No. 09-16701

D.C. Nos. 3:06-cv-06924-VRW  
M:06-cv-01791-VRW

Northern District of California,  
San Francisco

\_\_\_\_\_  
JAMES C. HARRINGTON; RICHARD  
A. GRIGG; LOUIS BLACK; THE  
AUSTIN CHRONICLE; MICHAEL

No. 09-16702

D.C. Nos. 3:06-cv-05452-VRW

KENTOR, on behalf of themselves and all others similarly situated; ALL PLAINTIFFS,

Plaintiffs - Appellants,

v.

AT&T, INC.; AT&T CORP.; AT&T OPERATIONS INC.; NEW CINGULAR WIRELESS SERVICES, INC.,

Defendants - Appellees.

M:06-cv-01791-VRW  
Northern District of California,  
San Francisco

TINA HERRON; BRANDY SERGI, individually and as representative of all similarly situated individuals; ALL PLAINTIFFS,

Plaintiffs - Appellants,

v.

VERIZON GLOBAL NETWORKS, INC.; AT&T CORP.; AMERICAN TELEPHONE AND TELEGRAPH COMPANY; BELLSOUTH COMMUNICATION SYSTEMS, LLC; BELLSOUTH TELECOMMUNICATIONS, INC.; VERIZON,

Defendants - Appellees,

UNITED STATES OF AMERICA,

No. 09-16704

D.C. No. 3:06-cv-05343-VRW  
Northern District of California,  
San Francisco

Defendant-intervenor -  
Appellee.

DARRYL HINES; ALEX KLABACKA;  
JANA KLABACJA; ALL PLAINTIFFS,

Plaintiffs - Appellants,

v.

VERIZON NORTHWEST, INC., an active  
Washington corporation; VERIZON  
COMMUNICATIONS, INC., an active  
Delaware corporation; VERIZON,

Defendants - Appellees,

UNITED STATES OF AMERICA,

Defendant-intervenor -  
Appellee.

No. 09-16706

D.C. Nos. 3:06-cv-05341-VRW  
M:06-cv-01791-VRW

Northern District of California,  
San Francisco

HOWARD JACOBS, a natural person;  
LAURENCE KORNBLUM, a natural  
person; KATHLEEN MILLER, a natural  
person, on behalf of themselves and all  
others similarly situated; ALL  
PLAINTIFFS,

Plaintiffs - Appellants,

v.

AT&T CORP., a foreign corporation;

No. 09-16707

D.C. Nos. 3:07-cv-02538-VRW  
M:06-cv-01791-VRW

Northern District of California,  
San Francisco

AMERICAN TELEPHONE AND  
TELEGRAPH COMPANY, a foreign  
corporation; BELLSOUTH  
TELECOMMUNICATIONS, INC., a  
foreign corporation; CINGULAR  
WIRELESS LLC, a foreign limited  
liability company; VERIZON  
COMMUNICATIONS, INC., a foreign  
limited liability company; VERIZON  
FLORIDA, INC., a Florida corporation;  
VERIZON,

Defendants - Appellees,

UNITED STATES OF AMERICA,

Defendant-intervenor -  
Appellee.

CLAUDIA MINK; ALL PLAINTIFFS,

Plaintiffs - Appellants,

v.

AT&T COMMUNICATIONS OF THE  
SOUTHWEST, INC., a Delaware  
corporation; SOUTHWESTERN BELL  
TELEPHONE, L.P., a Texas limited  
partnership; SBC LONG DISTANCE,  
LLC, a Delaware corporation,

Defendants - Appellees,

UNITED STATES OF AMERICA,

No. 09-16708

D.C. Nos. 3:06-cv-07934-VRW  
M:06-cv-01791-VRW

Northern District of California,  
San Francisco



Defendant-intervenor -  
Appellee.

RICHARD ROCHE; ALL PLAINTIFFS,

Plaintiffs - Appellants,

v.

AT&T CORP.,

Defendant - Appellee,

UNITED STATES OF AMERICA,

Defendant-intervenor -  
Appellee.

No. 09-16709

D.C. Nos. 3:07-cv-01243-VRW  
M:06-cv-01791-VRW

Northern District of California,  
San Francisco

BENSON B. ROE; PAUL GOLTZ,  
individually and on behalf of all others  
similarly situated; ALL PLAINTIFFS,

Plaintiffs - Appellants,

v.

AT&T CORP., a New York corporation;  
AT&T INC., a Delaware corporation; SBC  
LONG DISTANCE, LLC, a Delaware  
limited liability company, DBA AT&T  
Long Distance; PACIFIC BELL  
TELEPHONE COMPANY, a California  
corporation, DBA AT&T California;  
AT&T COMMUNICATIONS OF

No. 09-16710

D.C. Nos. 3:06-cv-03467-VRW  
M:06-cv-01791-VRW

Northern District of California,  
San Francisco

CALIFORNIA, INC., a California corporation,

Defendants - Appellees,

UNITED STATES OF AMERICA,

Defendant-intervenor - Appellee.

ELAINE SPIELFOGEL-LANDIS, on behalf of herself and all others similarly situated; ALL PLAINTIFFS,

Plaintiffs - Appellants,

v.

MCI, LLC, a Delaware limited liability company; VERIZON,

Defendants - Appellees,

UNITED STATES OF AMERICA,

Defendant-intervenor - Appellee.

No. 09-16712

D.C. Nos. 3:06-cv-04221-VRW  
M:06-cv-01791-VRW

Northern District of California,  
San Francisco

STUDS TERKEL, (now deceased); BARBARA FLYNN CURRIE; DIANE C. GERAGHTY; GARY S. GERSON; JAMES D. MONTGOMERY; QUENTIN YOUNG, on behalf of themselves and all others similarly situated; AMERICAN

No. 09-16713

D.C. Nos. 3:06-cv-05340-VRW  
M:06-cv-01791-VRW

Northern District of California,  
San Francisco

CIVIL LIBERTIES UNION OF  
ILLINOIS, INC.; ALL PLAINTIFFS,

Plaintiffs - Appellants,

v.

AT&T CORP.; ILLINOIS BELL  
TELEPHONE CO., DBA AT&T Illinois;  
UNITED STATES OF AMERICA,

Defendants - Appellees.

HERBERT WAXMAN, on behalf of  
himself and all others similarly situated;  
ALL PLAINTIFFS,

Plaintiffs - Appellants,

v.

AT&T CORP.,

Defendant - Appellee,

UNITED STATES OF AMERICA,

Defendant-intervenor -  
Appellee.

No. 09-16717

D.C. Nos. 3:06-cv-06294-VRW  
M:06-cv-01791-VRW

Northern District of California,  
San Francisco

STEVEN LEBOW, Rabbi; STEVEN  
BRUNING; CATHY BRUNING; JONNIE  
STARKEY; BRIAN BRADLEY; BARRY  
KALTMAN; MEREDITH KALTMAN;

No. 09-16719

D.C. Nos. 3:07-cv-00464-VRW  
M:06-cv-01791-VRW

ALL PLAINTIFFS,

Plaintiffs - Appellants,

v.

BELL SOUTH CORPORATION;  
CINGULAR WIRELESS LLC; SPRINT  
NEXTEL CORPORATION; NATIONAL  
SECURITY AGENCY,

Defendants - Appellees.

Northern District of California,  
San Francisco

RAY ANDERSON; COLLIN BABER;  
MARK BARKER; JOHN BARRETT;  
ANTHONY BARTELEMY; WILLIAM  
BETZ; FRAN BLAMER; TRUDY  
BOND; KRISTEN BRINK; SHANE  
BRINK, [See Notice of Appeal for  
complete list of plaintiff/appellants]; ALL  
PLAINTIFFS,

Plaintiffs - Appellants,

v.

VERIZON COMMUNICATIONS, INC.;  
NATIONAL SECURITY AGENCY;  
GEORGE W. BUSH; BELLSOUTH  
CORPORATION; AT&T  
CORPORATION; AT&T INC.;  
VERIZON,

Defendants - Appellees,

No. 09-16720

D.C. Nos. 3:07-cv-02029-VRW  
M:06-cv-01791-VRW

Northern District of California,  
San Francisco

UNITED STATES OF AMERICA,  
  
Defendant-intervenor -  
Appellee.

JAMES JOLL; RAMON GOGGINS; IAN  
WALKER; JAMES NURKIEWICZ, on  
behalf of themselves and all others  
similarly situated; ALL PLAINTIFFS,  
  
Plaintiffs - Appellants,

v.

AT&T CORP.; AT&T INC.; VERIZON  
COMMUNICATIONS, INC.;  
BELLSOUTH CORP.; VERIZON,

Defendants - Appellees,

UNITED STATES OF AMERICA,  
  
Defendant-intervenor -  
Appellee.

No. 09-16723

D.C. Nos. 3:06-cv-05485-VRW  
M:06-cv-01791-VRW  
Northern District of California,  
San Francisco

Before: PREGERSON, HAWKINS, and McKEOWN, Circuit Judges.

The panel will hear argument in this case on Wednesday, August 31, 2011 at 2 p.m. in Seattle, Washington. For the purposes of argument only, this case is consolidated with *McMurray v. Verizon*, No. 09-17133. Together the parties will be allowed forty minutes of argument per side. Counsel in both cases are directed

to confer with each other as to the allocation of argument time among parties on each side.