

1 Marcia Hofmann (SBN 250087)
marcia@eff.org
2 ELECTRONIC FRONTIER FOUNDATION
454 Shotwell Street
3 San Francisco, CA 94110
Telephone: (415) 436-9333
4 Facsimile: (415) 436-9993

5 David L. Sobel (*pro hac vice pending*)
sobel@eff.org
6 ELECTRONIC FRONTIER FOUNDATION
1875 Connecticut Ave. NW
7 Suite 650
Washington, DC 20009
8 Telephone: (202) 797-9009 x104
Facsimile: (202) 707-9066

9 Attorneys for Plaintiff
10 ELECTRONIC FRONTIER FOUNDATION

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12 **UNITED STATES DISTRICT COURT**
13 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
14 **SAN FRANCISCO DIVISION**

15 ELECTRONIC FRONTIER FOUNDATION,) NO. 08-1023 EDL
16)
16 Plaintiff,) **APPLICATION FOR ORDER TO**
17) **SHORTEN TIME FOR A HEARING ON**
17 v.) **PLAINTIFF’S MOTION FOR**
18) **PRELIMINARY INJUNCTION**
18 OFFICE OF THE DIRECTOR OF NATIONAL)
19 INTELLIGENCE)
20 and)
21 DEPARTMENT OF JUSTICE,)
22)
22 Defendants.)
23 _____)

24 TO THE UNITED STATES DISTRICT COURT, THE OFFICE OF THE DIRECTOR OF
25 NATIONAL INTELLIGENCE, THE DEPARTMENT OF JUSTICE, AND THEIR ATTORNEYS
26 OF RECORD:

27 Plaintiff Electronic Frontier Foundation (“EFF”) hereby respectfully applies for an order
28

1 shortening time for a hearing on its concurrently filed Motion for a Preliminary Injunction against
2 Defendants Office of the Director of National Intelligence (“ODNI”) and Department of Justice
3 (“DOJ”). This is a Freedom of Information Act (“FOIA”) lawsuit seeking documents about a
4 lobbying campaign to amend federal surveillance law, particularly to ensure that
5 telecommunications carriers are not held responsible for their cooperation in widespread and illegal
6 government surveillance. Congress is currently considering whether to pass legislation that would
7 protect the carriers from legal liability for their actions. Defendants have conceded that EFF is
8 entitled to expedited processing of the documents it has requested, which means that the agencies
9 should have finished processing the requests within 20 working days of receipt. However, neither
10 agency has released a single page in response to EFF’s requests.
11

12 A swift hearing on the issue of whether EFF is entitled to expedited processing of its FOIA
13 requests is necessary to ensure that the public and lawmakers have access to information relevant
14 to the public debate over whether telecommunications companies deserve immunity before
15 Congress finalizes legislation to change existing law. An order compelling the timely processing
16 and release of these documents is critical because they are directly relevant to understanding ODNI
17 and DOJ’s roles in lobbying on behalf of telecommunications companies to force the dismissal of
18 lawsuits against them, more than 40 of which are currently pending before this Court. Because time
19 is at the essence of both EFF’s rights and Defendants’ obligations, EFF respectfully requests entry
20 of an order shortening time for the Court to hear this matter.
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22 This application to shorten time is brought pursuant to the Court’s inherent power to control
23 its calendar and the power to shorten time to hear motions under Fed. R. Civ. P. 6(d). Plaintiff asks
24 this court for expedited scheduling based upon this Application to Shorten Time and its
25 accompanying memorandum, the Declaration of Marcia Hofmann and exhibits in support of this
26 application, EFF’s Notice of Motion for Preliminary Injunction, Motion for Preliminary Injunction,
27
28

1 its supporting papers, and the Court's file herein. We respectfully ask that the Court schedule a
2 hearing on the Motion for Preliminary Injunction on March 25, 2008, or as soon thereafter as is
3 practicable.
4

5 DATED: February 29, 2008

6 /s/ Marcia Hofmann

Marcia Hofmann, Esq.
ELECTRONIC FRONTIER FOUNDATION
454 Shotwell Street
San Francisco, CA 94110
Telephone: (415) 436-9333
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11 1875 Connecticut Ave. NW
Suite 650
12 Washington, DC 20009
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