

1 JEFFREY S. BUCHOLTZ
 Acting Assistant Attorney General
 2 CARL J. NICHOLS
 Deputy Assistant Attorney General
 3 JOSEPH P. RUSSONIELLO
 United States Attorney
 4 ELIZABETH J. SHAPIRO
 Assistant Director, Federal Programs Branch
 5 ANDREW I. WARDEN (IN Bar No. 23840-49)
 Trial Attorney, U.S. Department of Justice
 6 Civil Division, Federal Programs Branch
 20 Massachusetts Ave., N.W., Room 7332
 7 Washington, D.C. 20530
 Telephone: (202) 616-5084
 8 Facsimile: (202) 616-8460
 Andrew.Warden@usdoj.gov

9 *Attorneys for Defendants*

10
 11 **UNITED STATES DISTRICT COURT**
 12 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
 13 **SAN FRANCISCO DIVISION**

14 _____)
 15 ELECTRONIC FRONTIER FOUNDATION,)

16 Plaintiff,)

17 v.)

18 OFFICE OF THE DIRECTOR OF NATIONAL)
 19 INTELLIGENCE and UNITED STATES)
 20 DEPARTMENT OF JUSTICE)

21 Defendants,)

No. C 08-1023 EDL

**DECLINATION TO PROCEED
 BEFORE A MAGISTRATE
 JUDGE AND REQUEST FOR
 REASSIGNMENT TO A UNITED
 STATES DISTRICT JUDGE**

22
 23 Pursuant to 28 U.S.C. § 636(c) and Local Civil Rule. 73-1, defendants Office of the
 24 Director of National Intelligence and United States Department of Justice hereby decline to
 25 consent to the assignment of this case to a United States Magistrate Judge for trial and
 26 disposition. Defendants hereby request the reassignment of this case to a United States District
 27 Judge.

1 Further, defendants hereby inform the Court that today Judge Susan Illston denied
2 plaintiff's administrative motion to designate the above-captioned case as a related case to
3 *Electronic Frontier Foundation v. ODNI*, No. 07-5278 SI, for purposes of judicial assignment.
4 See attached order entered as dkt. no. 45. Consistent with the terms of Judge Illston's order, the
5 above-captioned case should be reassigned to a United States District Judge pursuant to the
6 Court's General Order 44.

7
8 Dated: March 5, 2008

Respectfully submitted,

9 JEFFREY S. BUCHOLTZ
10 Acting Assistant Attorney General

11 CARL J. NICHOLS
12 Deputy Assistant Attorney General

13 JOSEPH P. RUSSONIELLO
14 United States Attorney

15 ELIZABETH J. SHAPIRO
16 Assistant Director, Federal Programs Branch

17 */s/ Andrew I. Warden*
18 ANDREW I. WARDEN (IN Bar No. 23840-49)
19 Trial Attorney, U.S. Department of Justice
20 Civil Division, Federal Programs Branch
21 20 Massachusetts Ave., N.W., Room 7332
22 Washington, D.C. 20530
23 Telephone: (202) 616-5084
24 Facsimile: (202) 616-8460
25 E-mail: Andrew.Warden@usdoj.gov

26 *Attorneys for Defendants*
27
28

EXHIBIT 1

1 UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF CALIFORNIA
3 SAN FRANCISCO DIVISION

4 _____)
5 ELECTRONIC FRONTIER FOUNDATION,)
6 Plaintiff,)
7 v.)
8 OFFICE OF THE DIRECTOR OF NATIONAL)
9 INTELLIGENCE,)
10 Defendant,)
_____)

No. C 07-5278 SI

ORDER

11 Upon consideration of Plaintiff's Administrative Motion To Consider Whether Cases
12 Should Be Related (dkt. no. 40), and defendant's opposition thereto, it is hereby ORDERED as
13 follows

14 1) Plaintiff's motion is DENIED; and

15 2) *Electronic Frontier Foundation v. ODNI*, No. 08-1023 EDL, shall be assigned
16 pursuant to General Order 44 of this Court.

17
18 IT IS SO ORDERED.

19 2/29/08

20 Dated: March ____, 2008.

21 

22 _____
UNITED STATES DISTRICT JUDGE