

1 ELECTRONIC FRONTIER FOUNDATION
CINDY COHN (SBN 145997)
2 cindy@eff.org
DAVID GREENE (SBN 160107)
3 LEE TIEN (SBN 148216)
KURT OPSAHL (SBN 191303)
4 JAMES S. TYRE (SBN 083117)
ANDREW CROCKER (SBN 291596)
5 JAMIE L. WILLIAMS (SBN 279046)
AARON MACKEY (SBN 286647)
6 815 Eddy Street
San Francisco, California 94109
7 Telephone: (415) 436-9333
Facsimile: (415) 436-9993

8 THOMAS E. MOORE III (SBN 115107)
9 tmoore@rroyselaw.com
ROYSE LAW FIRM
10 149 Commonwealth Dr., Ste 1001
Menlo Park, CA 94025
11 Telephone: (650) 813-9700
Facsimile: (650) 813-9777

12 Attorneys for Plaintiffs
13
14

KEKER, VAN NEST & PETERS LLP
RACHAEL E. MENY (SBN 178514)
rmeny@keker.com
BENJAMIN BERKOWITZ (SBN 244441)
bberkowitz@keker.com
PHILIP J. TASSIN (SBN 287787)
ptassin@keker.com
633 Battery Street
San Francisco, California 94111
Telephone: (415) 391-5400
Facsimile: (415) 397-7188

LAW OFFICE OF RICHARD R. WIEBE
RICHARD R. WIEBE (SBN 121156)
wiebe@pacbell.net
44 Montgomery St., Ste. 650
San Francisco, California 94104
Telephone: (415) 433-3200
Facsimile: (415) 433-6382

ARAM ANTARAMIAN (SBN 239070)
Antaramian@sonic.net
LAW OFFICE OF ARAM ANTARAMIAN
1714 Blake Street
Berkeley, CA 94703
Telephone: (510) 289-1626

15 UNITED STATES DISTRICT COURT
16 NORTHERN DISTRICT OF CALIFORNIA
17 OAKLAND DIVISION

18 CAROLYN JEWEL, TASH HEPTING,
YOUNG BOON HICKS, as executrix of the
19 estate of GREGORY HICKS, ERIK
KNUTZEN and JOICE WALTON, on
20 behalf of themselves and all other similarly
situated,

21 Plaintiffs,

22 v.

23 NATIONAL SECURITY AGENCY, et al.,

24 Defendants.
25
26
27
28

Case No. 08-cv-04373-JSW

**PLAINTIFFS' NOTICE OF APPEAL
AND REPRESENTATION STATEMENT**

1 PLEASE TAKE NOTICE that all Plaintiffs hereby appeal to the United States Court of
2 Appeals for the Ninth Circuit from the Final Judgment entered in this action on April 25, 2019
3 (Dkt. No. 464) and all orders subsumed therein, including but not limited to: the Court's
4 February 10, 2015 Order Granting Defendants' Motion for Partial Summary Judgment (Dkt. No.
5 321), the Court's June 13, 2018 Order Denying Plaintiffs' Motion for Access to Classified
6 Discovery Materials (Dkt. No. 404), the Court's August 28, 2018 Order Regarding Parties' Joint
7 Discovery Letter Brief (Dkt. No. 412), the Court's April 25, 2019 Order Granting Defendants'
8 Motion for Summary Judgment and Denying Plaintiffs' Cross-Motion to Proceed to the Merits
9 (Dkt. No. 462), and the Court's April 25, 2019 Classified Order (Dkt. No. 463).

10 Plaintiffs' Representation Statement is attached to this Notice as required by Ninth Circuit
11 Rule 3-2(b).

12
13
14 Dated: May 20, 2019

By: s/ Aaron Mackey
Aaron Mackey

15 ELECTRONIC FRONTIER FOUNDATION
16 CINDY COHN (SBN 145997)
17 DAVID GREENE (SBN 160107)
18 LEE TIEN (SBN 148216)
19 KURT OPSAHL (SBN 191303)
20 JAMES S. TYRE (SBN 083117)
21 ANDREW CROCKER (SBN 291596)
22 JAMIE L. WILLIAMS (SBN 279046)
23 AARON MACKEY (SBN 286647)
24 815 Eddy Street
25 San Francisco, California 94109
26 Telephone: (415) 436-9333
27 Facsimile: (415) 436-9993

28 KEKER, VAN NEST & PETERS LLP
RACHAEL E. MENY (SBN 178514)
BENJAMIN BERKOWITZ (SBN 244441)
PHILIP J. TASSIN (SBN 287787)
633 Battery Street
San Francisco, California 94111
Telephone: (415) 391-5400
Facsimile: (415) 397-7188

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

RICHARD R. WIEBE (SBN 121156)
LAW OFFICE OF RICHARD R. WIEBE
44 Montgomery St., Ste 650
San Francisco, California 94104
Telephone: (415) 433-3200
Facsimile: (415) 433-6382

THOMAS E. MOORE III (SBN 115107)
THE MOORE LAW GROUP
149 Commonwealth Dr., Ste. 1001
Menlo Park, California 94025
Telephone: (650) 813-9700
Facsimile: (650) 813-9777

ARAM ANTARAMIAN (SBN 239070)
LAW OFFICE OF ARAM ANTARAMIAN
1714 Blake Street
Berkeley, CA 94703
Telephone: (510) 289-1626

Attorneys for Plaintiffs

REPRESENTATION STATEMENT

The undersigned represents Plaintiffs-Appellants Carolyn Jewel, Tash Hepting, Young Boon Hicks (as executrix of the Estate of Gregory Hicks), Erik Knutzen, and Joice Walton and submits this Representation Statement pursuant to Federal Rule of Appellate Procedure 12(b) and Circuit Rule 3-2(b). The following list identifies all parties to the action, and it identifies their respective counsel by name, address, telephone number, and email address where appropriate.

Dated: May 20, 2019

By: s/ Aaron Mackey

Aaron Mackey

PARTIES	COUNSEL OF RECORD
Plaintiffs-appellants Carolyn Jewel, Tash Hepting, Young Boon Hicks (as executrix of the estate of Gregory Hicks), Erik Knutzen, and Joice Walton.	<p>CINDY COHN cindy@eff.org DAVID GREENE davidg@eff.org LEE TIEN tien@eff.org KURT OPSAHL kurt@eff.org JAMES S. TYRE jstyre@eff.org ANDREW CROCKER andrew@eff.org JAMIE L. WILLIAMS jamie@eff.org AARON MACKKEY amackey@eff.org ELECTRONIC FRONTIER FOUNDATION 815 Eddy Street San Francisco, CA 94109 Telephone: (415) 436-9333 Fax: (415) 436-9993</p> <p>RICHARD R. WIEBE wiebe@pacbell.net LAW OFFICE OF RICHARD R. WIEBE 44 Montgomery St., Ste. 650 San Francisco, California 94104 Telephone: (415) 433-3200 Facsimile: (415) 433-6382</p> <p>RACHAEL E. MENY rmeny@kvn.com BENJAMIN W. BERKOWITZ bberkowitz@kvn.com PHILIP J. TASSIN ptassin@kvn.com KEKER, VAN NEST & PETERS LLP 633 Battery Street San Francisco, CA 94111 Telephone: (415) 391-5400 Fax: (415) 397-7188</p>

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

	<p>THOMAS E. MOORE III tmoore@rroyselaw.com ROYSE LAW FIRM 149 Commonweath Dr., Ste 1001 Menlo Park, CA 94025 Telephone: (650) 813-9700 Facsimile: (650) 813-9777</p> <p>ARAM ANTARAMIAN Antaramian@sonic.net LAW OFFICE OF ARAM ANTARAMIAN 1714 Blake Street Berkeley, CA 94703 Telephone: (510) 289-1626</p>
<p>Attorneys for Defendants-Appellees Government Entities and Official-Capacity Individuals: National Security Agency, Department of Justice, United States of America, President Donald J. Trump, Director of National Intelligence Daniel Coats, NSA Director Paul M. Nakasone, Attorney General William Barr.</p>	<p>JOSEPH H. HUNT Assistant Attorney General ANTHONY J. COPPOLINO tony.coppolino@usdoj.gov Deputy Branch Director JAMES J. GILLIGAN james.gilligan@usdoj.gov Special Litigation Counsel RODNEY PATTON rodney.patton@usdoj.gov Senior Trial Counsel JULIA HEIMAN julia.heiman@usdoj.gov Senior Counsel OLIVIA HUSSEY SCOTT olivia.hussey.scott@usdoj.gov Trial Attorney</p> <p>U.S. Department of Justice Civil Division 1100 L Street, N.W., Room 11200 Washington, 20005 Tel: (202) 305-7919 Fax: (202) 616-8470</p>
<p>Attorneys for Personal-Capacity Defendants- Appellees: Keith B. Alexander, Michael V. Hayden, George W. Bush, Richard B. Cheney, David S. Addington, Alberto R. Gonzales, John D. Ashcroft, John M. McConnell, John D. Negroponte, Michael Mukasey</p>	<p>JAMES R. WHITMAN U.S. Department of Justice 1425 New York Ave., N.W. Washington, DC 20005 Tel: 202-616-4169 Fax: 202-416-4314 Email: james.whitman@usdoj.gov</p>