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UNITED STATES

FOREIGN INTELLIGENCE SURVEILLANCE COURT

U.S. FOREIGN  
INTELLIGENCE  
SURVEILLANCE COURT

2010 JAN -8 AM 11:04

CLERK OF COURT

IN RE APPLICATION OF THE  
FEDERAL BUREAU OF INVESTIGATION  
FOR AN ORDER REQUIRING THE  
PRODUCTION OF TANGIBLE THINGS

Docket Number: BR 09-19

JOINT MOTION FOR ENLARGEMENT OF TIME

[REDACTED] (collectively, the parties), through undersigned counsel, hereby move the Court, pursuant to the Foreign Intelligence Surveillance Act of 1978, as amended (the Act), Title 50, United States Code (U.S.C.), § 1861 and Section 3(c)(i) of the Procedures for Review of Petitions Filed Pursuant to Section 501(f) of the Foreign Intelligence Act of 1978, as amended (effective May 5, 2006) (the Procedures), to enlarge the time period [REDACTED] file a petition challenging the production order issued [REDACTED] in this matter through and including February 1, 2010. ~~(TS//SI//NF)~~

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Classified by: David S. Kris, Assistant  
Attorney General, NSD, DOJ

Reason: 1.4(c)

~~Declassify on: 7 January 2035~~

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The parties, in support of this Motion, state:

1. Upon consideration of an application by the United States, on December 16, 2009, the Honorable Reggie B. Walton, of this Court, issued Orders in the above-captioned docket number requiring the production to the National Security Agency of the tangible things described in the application (telephone call detail records or "telephony metadata") after having found reasonable grounds to believe that the tangible things sought are relevant to authorized investigations (other than threat assessments) being conducted by the FBI under guidelines approved by the Attorney General under Executive Order 12333 to protect against international terrorism.

~~(S//SI)~~

2. The Government incorporates by reference the application, all documents filed in support of the application, and the orders issued in this docket. ~~(S)~~

3. The Court issued a Secondary Order [REDACTED] to produce the tangible things described in the application ("production order"). The production order was served [REDACTED] on December 30, 2009, and succeeded (among others) similar orders that were signed by the Court and served [REDACTED] on or about July 9, 2009, September 3, 2009, and October 30, 2009. Under Section 3(c)(i) of the Procedures, "[a] petition challenging an Order to produce a tangible thing must

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be filed within 20 days after the Order has been served"; in this case, by January 19, 2010. ~~(TS//SI//NF)~~

4. [REDACTED] complied with previous orders issued by this Court [REDACTED] in this matter and is presently complying with the Order issued to it in this docket. On or about July 9, 2009 [REDACTED] raised certain legal issues regarding the Order it was under, and the parties have been engaged in ongoing discussions about those legal issues and expect those discussions to conclude on or before February 1, 2010. ~~(TS//SI//NF)~~

5. To allow more time for those discussions to conclude, and in the parties' mutual interests in avoiding litigation, the parties jointly seek an enlargement of the time period [REDACTED] [REDACTED] file a petition pursuant to 50 U.S.C. § 1861(f)(2)(A)(i) challenging the production order, to February 1, 2010. ~~(TS//SI//NF)~~

6. All other provisions of the original orders of the Court dated December 16, 2009, in this docket, will remain unaffected, including the time and date of expiration of the authorities granted therein. ~~(TS//SI//NF)~~

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A proposed order effecting this request accompanies this motion.

~~(S)~~

Respectfully submitted,

The United States of America

1.8.2010  
Date

By:

[REDACTED]  
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National Security Division  
U.S. Department of Justice  
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[REDACTED]  
[REDACTED]

1/8/2010  
Date

By

[REDACTED]

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