

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

AMERICAN CIVIL LIBERTIES UNION; AMERICAN
CIVIL LIBERTIES UNION FOUNDATION; NEW YORK
CIVIL LIBERTIES UNION; and NEW YORK CIVIL
LIBERTIES UNION FOUNDATION,

Plaintiffs,

v.

JAMES R. CLAPPER, in his official capacity as Director
of National Intelligence; KEITH B. ALEXANDER, in his
official capacity as Director of the National Security
Agency and Chief of the Central Security Service;
CHARLES T. HAGEL, in his official capacity as Secretary
of Defense; ERIC H. HOLDER, in his official capacity as
Attorney General of the United States; and ROBERT S.
MUELLER III, in his official capacity as Director of the
Federal Bureau of Investigation,

Defendants.

13 Civ. 3994 (WHP)
ECF Case

**GOVERNMENT DEFENDANTS' NOTICE REGARDING ORDER
OF THE FOREIGN INTELLIGENCE SURVEILLANCE COURT**

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The Government Defendants hereby provide notice regarding an order issued by the Foreign Intelligence Surveillance Court (FISC) yesterday. On February 25, 2014, the United States filed a motion with the FISC for leave to retain call-detail records collected under the National Security Agency (NSA) bulk telephony metadata program beyond the five-year deadline by which FISC orders require the records to be destroyed. *See* Exh. 1, attached hereto. The United States filed that motion in order to ensure compliance with any preservation obligations the Government may have in this and other civil actions respecting those records. Yesterday, the FISC issued an order denying that motion. *See* Exh. 2, attached hereto. Consistent with that order, as of the morning of Tuesday, March 11, 2014, absent a contrary court order, the United States will commence complying with applicable FISC orders requiring the destruction of call-detail records at this time.

Dated: New York, New York
March 8, 2014

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