UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF MICHIGAN

AMERICAN CIVIL LIBERTIES UNION,)	
et al.,)	
)	
Plaintiffs,)	Civil Action No. 06-10204
)	Hon. Anna Diggs Taylor
v.)	
)	
NATIONAL SECURITY AGENCY / CENTRAL)	
SECURITY SERVICE; and LIEUTENANT)	
GENERAL KEITH B. ALEXANDER, in his)	
official capacity as Director of the National)	
Security Agency and Chief of the Central Security)	
Service,)	
)	
Defendants.)	
	_)	

DEFENDANTS' NOTICE OF APPEAL

Pursuant to Fed. R. App. P. 4(a)(1)(B), Defendants National Security Agency and Lieutenant General Keith B. Alexander, in his official capacity as Director of the National Security Agency, hereby give notice and appeal to the United States Court of Appeals for the Sixth Circuit from the Court's August 17, 2006 Memorandum Opinion, Judgment, and Permanent Injunction Order granting Plaintiffs' Motion for Partial Summary Judgment and enjoining Defendants from utilizing the Terrorist Surveillance Program.

Dated: August 17, 2006 Respectfully submitted,

> PETER D. KEISLER Assistant Attorney General

CARL J. NICHOLS Deputy Assistant Attorney General

JOSEPH H. HUNT Director, Federal Programs Branch

ANTHONY J. COPPOLINO **Special Litigation Counsel**

s/ Andrew H. Tannenbaum
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Service,)	
)	
Defendants.)	
	_)	

JOINT STIPULATION

The parties have agreed to a stay of the Court's Judgment and Permanent Injunction

Order of August 17, 2006, pending the Court's ruling on Defendants' forthcoming motion for a

stay pending appeal. The parties also have agreed to the following briefing schedule for

Defendants' motion for a stay pending appeal: (1) Defendants' motion will be filed by August

23, 2006; (2) Plaintiffs' opposition will be filed by August 29, 2006; and (3) Defendants' reply,

if any, will be filed by September 5, 2006. The parties understand that a hearing on Defendants'

motion will be scheduled for September 7, 2006, at 1:00 p.m. A proposed Stipulated Order to

this effect is attached.

Dated: August 17, 2006 Respectfully submitted,

PETER D. KEISLER Assistant Attorney General

CARL J. NICHOLS Deputy Assistant Attorney General

JOSEPH H. HUNT Director, Federal Programs Branch

ANTHONY J. COPPOLINO Special Litigation Counsel

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GENERAL KEITH B. ALEXANDER, in his)
official capacity as Director of the National)
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Service,)
)
Defendants.)
	_)

PROPOSED STIPULATED ORDER

Pursuant to the agreement of the parties, the Court hereby ORDERS that its Judgment and Permanent Injunction Order of August 17, 2006, is STAYED until the Court rules on Defendants' forthcoming motion for a stay pending appeal. Defendants' motion for a stay pending appeal shall be filed by August 23, 2006. Plaintiffs' opposition shall be filed by August 29, 2006, and Defendants' reply, if any, shall be filed by September 5, 2006. The Court will hear Defendants' motion on September 7, 2006, at 1:00 p.m.

DATED:	_
	HON. ANNA DIGGS TAYLOR