

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

CENTER FOR CONSTITUTIONAL RIGHTS,)	
TINA M. FOSTER, GITANJALI S. GUTIERREZ,)	
SEEMA AHMAD, MARIA LAHOOD,)	
RACHEL MEEROPOL,)	Case No. 06-cv-313
)	
Plaintiffs,)	Hon. Gerard E. Lynch
)	
v.)	
)	
GEORGE W. BUSH,)	
President of the United States;)	
NATIONAL SECURITY AGENCY,)	
LTG Keith B. Alexander, Director;)	
DEFENSE INTELLIGENCE AGENCY,)	
LTG Michael D. Maples, Director;)	
CENTRAL INTELLIGENCE AGENCY,)	
Porter J. Goss, Director;)	
DEPARTMENT OF HOMELAND SECURITY,)	
Michael Chertoff, Secretary;)	
FEDERAL BUREAU OF INVESTIGATION,)	
Robert S. Mueller III, Director)	
JOHN D. NEGROPONTE)	
Director of National Intelligence,)	
)	
Defendants.)	
)	

**DEFENDANTS' MOTION TO STAY CONSIDERATION OF
PLAINTIFFS' PARTIAL MOTION FOR SUMMARY JUDGMENT**

Defendants, through their undersigned counsel, hereby move to stay consideration of Plaintiffs' Partial Motion for Summary Judgment. The grounds for this motion are that, in response to Plaintiffs' Complaint, Defendants have moved to dismiss, or in the alternative, for summary judgment on the grounds that Plaintiffs cannot establish the requisite standing to bring this action, and because the assertion of the military and state secrets privilege and other specified statutory privileges by the United States in this action requires the exclusion of state

secrets relevant to the resolution of Plaintiffs' claims, and that the unavailability of this information requires dismissal or entry of summary judgment in favor of Defendants. Because the Court's jurisdiction is a threshold consideration, and because Defendants' state secrets and other specified statutory privilege assertions require the exclusion of evidence necessary to the resolution of this action, Plaintiffs' Partial Motion for Summary Judgment, which seeks adjudication on the merits of their claims, should be deferred until the Court has ruled on the threshold standing and state secrets and other specified statutory privilege issues presented by Defendants in response to the Complaint.

The grounds for this motion are set forth further in Section VI of Defendants' Memorandum of Points and Authorities in Support of the United States' Assertion of the Military and State Secrets Privilege; and Defendants' Motion to Dismiss or, in the Alternative, Motion for Summary Judgment; and Defendants' Motion to Stay Consideration of Plaintiffs' Motion for Summary Judgment.

Respectfully submitted,

PETER D. KEISLER
Assistant Attorney General

STEPHEN J. MURPHY, III
United States Attorney

CARL J. NICHOLS
Deputy Assistant Attorney General

JOSEPH H. HUNT
Director, Federal Programs Branch

s/ Anthony J. Coppolino
ANTHONY J. COPPOLINO
Special Litigation Counsel

s/ Andrew H. Tannenbaum
ANDREW H. TANNENBAUM
Trial Attorney
U.S. Department of Justice, Civil Division
P.O. Box 883
20 Massachusetts Avenue, NW
Washington, DC 20044
(202) 514-4782 (tel); (202) 616-8460 (fax)

Counsel for Defendants

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