

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

REV. JOE McMURRAY; REV CHARLENE MANN;
DR. MICHAEL REUSCH; DR. TRUDY BOND;
PROF. ROBERT NEWBY;
SERGE POPPER; THOMAS S. DWYER;
JAMES VAN ALSTINE; MICHELE ROSEN;
THEODORE JONATHAN MORRIS; SHARON
ANN MORRIS; HARRIS SONDAK,
MERRILYN ROME; BRAD MARSTON;
GREG L. SMITH; MICHAEL BROOKS;
MICHAEL S. ROTHMEL;
ILENE PRUETT; ANTHONY BARTELEMY
LINDA GETTIER; STEPHANIE MEKET;
THOMAS MICHAEL FAIN; BARBARA LANGER;
PAM HADDON; VERN HADDON;
DONALD HERRON; RAY ANDERSON, COLLIN BABER;
MARK BAKER; JOHN BARRETT; WILLIAM BETZ;
FRAN BLAMER; SHANE AND KRISTEN BRINK;
MICHAEL BROOKS;
PAUL BRUNEY; PETER CATIZONE; STEVE
CHRISTIANSON; JOHN CLARK; KINGSLEY CLARK;
THOMAS M. CLEAVER; PETER B. COLLINS; KRIS AND
MARK COSTA; JULIE DAVIS; SHARON L. DAVIS;
DIANE GAVLINSKI; TONI DiDONA, THERESA R. DUFFY;
SHAWN FITZGIBBONS; JOHN FITZPATRICK;
JENNIFER FLORIO; MARGARET FRANKLIN; DAWN
FURLER; C. GARIFO; JOSEPH GEHRING; JANE AND
MARK GENTILE-YOUD; LINDA J. AND G. LAWRENCE
GETTIER; JIT GILL; MIKE GILMORE; JAYSON GLEASON;
MARC GOLDSTONE; TODD GRAFF; JANET GRANJA;
SUSAN GROSSMAN; STEPHANIE GUSTAVE AND
KEVIN SHAWLER; DON AND DONNA HAWKINGS;
JOSE V. HEINERT; LAMAR HENDERSON; CAROLYN R.
AND DOUGLAS S. HENSLEY; JENNIFER HONTZ;
JOYCE JACKSON; ANDREW JAFFE, RANDEL JAMES;
MICHAEL JOHNSON; DIANE JULIANO; FAY KAISER,
RAJENDRAM KRISHNAN; MICHAEL LAVO; FRED LEAK;
KEN LEHA; BEN LINDSEY; LISA LOCKWOOD,
NANCY K. LOREY AND GERARD P. CLERKIN;
MICHAEL T. LYDA; ELEANOR M. LYNN ESQ.;
TERRY MANCOUR; JON PAUL McCLELLAN;
ALICIA McCOLLUM; JAMES McGRATTAN;
CLYDE MICHAEL MORGAN; MS. LODGE; SHERI A. MUELLER;
FRAN NOBILE; CHRIS VON OBENAUER; DAEDRIA
FARMER-PAELLMAN; DAN PATTON; RAY PENA;
CONSTANCE PHILLIPS; MARK PLANTE; JEREMY PUHLMAN;

MARTIN RAZO; DANIEL REIMANN; MARK RICHARDS;
LINDA RITHKIS; WILLIAM ROBINETTE; FRED AND
DARLENE ROGERS; KATHLEEN ROGERS; WILLIAM J.
ROMANSKY; BRONSON ROSIER; JOSH SEEFRIED;
ANNA F. SHALLENBERGER; ROYCE SHEPARD;
ROBERT SIDEN; GREGORY L. SMITH; CHRISTIAN
STALBERG; MICHAEL L. STEPHAN; ROBERT STEWART;
DONNA A. STONE; PAUL AND REGINA SUNDBERG;
WILLIAM R. SWEENEY, JR.; DAVID TAYLOR; APRIL
TIPE; ALLEN T. TRADER III; BARRY W. TRIBBLE;
FRED TRINKOFF; THOMAS VILAR; VICKIE VOTAW;
LEON DWIGHT WALLACE; ACHIENG WARAMBO
AND ULRICH GEISTER; DAVID AND BETH WHITE; JANE WINSTON;
KEVIN WRIGHT; JOEL AINGER; CAROL COSE; DEBORAH
DOUGHERTY; JAMES FLYNN; IRENE KING; PAUL KRAFT;
GINA DE MIRANDA; CATALINA R. THOMPSON;
MARY LEAH WEISS; ELIZABETH T. ARNONE;
ELEANOR LYNN; JAY H. ROWELL; DANIEL REIMANN;
VIVIAN PHILLIPS; JEFFREY G. MARSOCCI; BRIDGET
IRVING; JAMES HALL, JOHN McINTYRE;
on behalf of themselves and all others similarly situated,

Plaintiffs,

v.

VERIZON COMMUNICATIONS INC.;
CELLCO PARTNERSHIP;
BELLSOUTH CORPORATION;
AT&T CORPORATION; AT&T INC.;
GEORGE W. BUSH, individually in
his executive capacity and as representative
of the UNITED STATES OF AMERICA;
and NATIONAL SECURITY AGENCY,

Defendants.

INDEX NO.:
06 CV 3650 (LBS)

Subpoena Duces Tecum and
Notice for Production of
Documents and Other Things
in Lieu of Subpoena.

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

ELECTRON TUBES INC., individually
and on behalf of all others similarly
situated,
Plaintiffs,

v.

VERIZON COMMUNICATIONS,
CELLCO PARTNERSHIP AND/OR
SPRINT NEXTEL CORPORATION and
DOES 1-100,
Defendants, and

NATIONAL SECURITY AGENCY,
Nominal Defendant.

No. 1:06-cv-4048-UA

Subpoena Duces Tecum and
Notice for Production of
Documents and Other Things
In Lieu of Subpoena

To:

The United States of America in its independent capacity and by and through Nominal Defendant National Security Agency.

The United States of America by and through George W. Bush as President and his administrative agent The Executive Office of the President.

George W. Bush, President
1600 Pennsylvania Avenue
Washington, D.C.

Office of the Counselor to the President
Executive Office of the President
1600 Pennsylvania Avenue
Washington, D.C.

PETER D. KEISLER
Assistant Attorney general

CARL NICHOLS
Deputy Assistant Attorney General

THOMAS P. WALSH
Civil Chief

JOSEPH H. HUNT
Director, Federal Programs Branch

ANTHONY J. COPPOLINO
Special Litigation Counsel

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Attorneys for Defendant National Security Agency

To:

Verizon Communications Inc. and Cellco Partnership

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HALE AND DORR LLP
1875 Pennsylvania Ave., NW
Washington, D.C. 20006
Tel. (202) 663-6000
Fax (202) 663-6363
*Attorneys for Verizon Communications Inc. and
Cellco Partnership*

You are hereby directed to produce to and upon the undersigned counsel for plaintiffs the following documents and things or copies thereof, said production to be made not later than ten (10) days following service of the within Subpoena Duces Tecum:

1. Documents setting forth and describing the date of commencement or intended commencement of the receipt by the United States of non-particularized information pertaining to telephone subscribers disclosed by carriers trading under the names Verizon, Verizon Wireless, ATT, BellSouth, Cellco, Sprint or Sprint Nextel.

The phrase “non-particularized information” refers to any and all information pertaining to telephone subscribers as to whom no particularized claim or belief of criminal or civil wrongdoing or terrorist association exists or has been raised or presented.

The phrase “subscriber” refers to any person referred to, covered by or otherwise intended as being made the subject of the statute incorporated and codified as 18 U.S.C. Sec. 2702 and is intended to take on the same definition as used in said statute.

The phrase “information pertaining to telephone subscribers“ does not include the content of subscriber conversations but otherwise includes all data and records pertaining to subscribers as such phrases are used in 18 U.S.C. 2702.

The word “information” has the meaning used in 18 U.S.C. 2702.

The word "program" refers to any ongoing or continuing, policy, contract, transaction, continuing transfer of data or records or other similar or analogous arrangement or

understanding; it is understood that the word "program" and the document request refer to any such receipt of information that occurs on a regular basis or in an ongoing pattern of conduct.

The phrase "telephone carriers" means entities trading under the names Verizon, Verizon Wireless, AT&T, BellSouth, Cellco, Sprint or Sprint Nextel.

The document(s) sought pertain to such subscriber information as disclosed directly to the United States by said telephone carriers or disclosed to intermediaries or third parties from whom such information has been ultimately received by or taken into the custody, possession or dominion of the United States.

The phrase "United States" refers to the United States of America or any agency, division or instrumentality thereof, including but without limitation the Department of Defense, the National Security Agency, the Defense Intelligence Agency, the Central Intelligence Agency, the Defense Procurement Agency, the Maryland Procurement Office, the Virginia Procurement Office, the Counterintelligence Field Activity Bureau, the General Services Administration.

It is understood that this instant Request does not refer or extend to specific requests for individually named subscriber information, call content or individually named data or records sought by the United States through warrant or subpoena.

2. Documents setting forth and describing any contractual or other agreement, arrangement or understanding as well as any sums paid by the United States for information pertaining to telephone subscribers described in Request No. "1" above and copies of any such contracts or other agreement and documents memorializing or setting forth any such oral agreement or other arrangement.

All definitional provisions set forth in Request No. "1" above apply to this instant Request No. "2".

3. Documents setting forth and describing the Executive Order or Executive Orders or other instructions or directives of the President or the Vice President in which the President or Vice President, or their delegate, direct or instruct that the United States or any officer or agent thereof seek, request, demand or receive the information described in Request No. "1".

All definitional provisions set forth in Request No. "1" above apply to this instant Request No. "3".

4. Documents setting forth and describing the executive, administrative or managerial role exercised by or delegated to Vice President Richard Cheney in connection with the acts, activities or programs described in Request No. "1" above and in connection with the contractual documents referred to in Request No. "2" above.

All definitional provisions set forth in Request No. "1" above apply to this instant Request No. "4".

5. Documents setting forth and describing the termination of any program under which the United States received information described in Request No. "1" above from carriers trading under the names Verizon, Verizon Wireless, ATT, BellSouth, Cellco, Sprint or Sprint Nextel.

All definitional provisions set forth in Request No. "1" above apply to this instant Request No. "5".

6. Copies of all e-mail or other communications transmitted to or received by defendant ATT from the United States or its agencies or instrumentalities setting forth any request or demand or otherwise referring to any request or demand of the United States or its agencies or instrumentalities to obtain access to ATT's telephone networks, subscriber or call data or call content.

All definitional provisions set forth in Request No. "1" above apply to this instant Request No. "6".

The phrase "call content" refers to the contents of any telephone conversation or the contents of digital or digitized information.

The phrase "call data" refers to any subscriber information not incorporated in the phrase "call content".

It is understood that this instant Request No. "6" does not refer to specific requests for individually named subscriber information or call content sought by the United States through warrant or subpoena.

7. Any Request for Proposal (RFP) of the United States to ATT in connection with a project known as or ultimately known as Pioneer, Pioneer Groundbreaker, Groundbreaker, GEMS, Groundbreaker Enterprise System or any project seeking data management services or telephone network access for the use or benefit of the National Security Agency or other instrumentality or agency of the United States.

All definitional provisions set forth in Request No. "1" above apply to this instant Request No. "7".

8. Copies of all e-mail exchanged or transmitted between the United States and ATT relating to, referring to or pertaining to a project known as or ultimately known as Pioneer, Pioneer Groundbreaker, Groundbreaker, GEMS or Groundbreaker Enterprise System.

All definitional provisions set forth in Request No. "1" above apply to this instant

Request No. "8".

9. Copies of all United States administrative subpoenas seeking non-particularized subscriber information from carriers trading under the names Verizon, Verizon Wireless, ATT, BellSouth, Cellco, Sprint or Sprint Nextel.

All definitional provisions set forth in Request No. "1" above apply to this instant Request No. "9".

The term "administrative subpoenas" refers to subpoenas issued by agencies or instrumentalities of the United States but does not refer to subpoenas seeking individually named subscriber information or call content.

10. Documents setting forth and describing the date(s) of issuance, the name(s) of agency or instrumentality, the date(s) of service and the date(s) of compliance in respect to any United States administrative subpoena seeking non-particularized subscriber information from carriers trading under the names Verizon, Verizon Wireless, ATT, BellSouth, Cellco, Sprint or Sprint Nextel.

All definitional provisions set forth in Request No. "1" above apply to this instant Request No. "10".

The term "administrative subpoenas" refers to subpoenas issued by agencies or instrumentalities of the United States.

11. Copies of all e-mail or other communications transmitted to defendant Verizon or received by defendant Verizon from the United States or its agencies or instrumentalities setting forth any request or demand or otherwise referring to any request or demand of the United States or its agencies or instrumentalities to obtain access to Verizon's telephone networks, subscriber or call data or call content.

All definitional provisions set forth in Request No. "1" above apply to this instant Request No. "11".

The phrase "call content" refers to the contents of any telephone conversation or the contents of digital or digitized information.

The phrase "call data" refers to any subscriber information not incorporated in the phrase "call content".

It is understood that this instant Request No. "11" does not refer to specific requests for individual named subscriber information or call content sought by the United States through warrant or subpoena.

12. Copies of all e-mail or other communications transmitted to defendant Verizon Wireless or Cellco or received by defendant Verizon Wireless or Cellco from the United States or its agencies or instrumentalities setting forth any request or demand or otherwise referring to any request or demand of the United States or its agencies or instrumentalities to obtain access to Verizon Wireless or Cellco's telephone networks, subscriber or call data or call content.

All definitional provisions set forth in Request No. "1" above apply to this instant Request No. "12".

The phrase "call content" refers to the contents of any telephone conversation or the contents of digital or digitized information.

The phrase "call data" refers to any subscriber information not incorporated in the phrase "call content".

It is understood that this instant Request No. "12" does not refer to specific requests for individual named subscriber information or call content sought by the United States through warrant or subpoena.

13. Documents setting forth and describing any request, inquiry or communication to or between a telephone carrier trading under the name "Qwest" or its officers, agents or employees, including but not limited to Joseph Nacchio, seeking the receipt by the United States of non-particularized information pertaining to telephone subscribers.

All definitional provisions set forth in Request No. "1" above apply to this instant Request No. "13".

14. Documents setting forth and describing or referring to any refusal by Qwest or its officers, agents or employees, including but not limited to Joseph Nacchio, to give, provide or transfer the information referred to in Request No. 13 above.

All definitional provisions set forth in Request No. "1" above apply to this instant Request No. "14".

15. Documents setting forth and describing or referring to the commencement of any civil or criminal actions, proceedings, claims or charges against Qwest or Joseph Nacchio in connection with the refusal of Qwest or its officers, agents or employees, including but not limited to Joseph Nacchio to provide the information referred to in Request No. 13 above.

All definitional provisions set forth in Request No. "1" above apply to this instant Request No. "15".

16. Documents setting forth and describing or referring to any retaliatory action or conduct against Qwest or its officers, agents or employees, including but not limited to

Joseph Nacchio, to provide the information referred to in Request No. 13 above.

All definitional provisions set forth in Request No. "1" above apply to this instant Request No. "16".

17. Documents setting forth and describing the arrangement and installation for the benefit and use of the United States of high speed transmission lines at telephone communications providers' facilities with terminal ends at an agency or location at Quantico, Virginia.

All definitional provisions set forth in Request No. "1" above apply to this instant Request No. "17".

18. Documents setting forth and describing the receipt by the United States of telephone subscriber information without warrant or subpoena pertaining to persons in the following classes: 1) Members of Congress; 2) persons known to be employed by United States-based media organizations; 3) persons known to be associated with United States-based anti-war movements.

All definitional provisions set forth in Request No. "1" above apply to this instant Request No. "18".

19. Documents setting forth and describing the date of commencement or intended commencement of the receipt by the United States of non-particularized information pertaining to telephone subscribers disclosed by carriers trading under the names Verizon, Verizon Wireless, ATT, BellSouth, Cellco, Sprint or Sprint Nextel at any date between January 20, 2001 and September 11, 2001.

All definitional provisions set forth in Request No. "1" above apply to this instant Request No. "19".

Dated: August 29, 2006

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