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11 UNITED STATES DISTRICT COURT
 12 NORTHERN DISTRICT OF CALIFORNIA
 13 OAKLAND DIVISION

15 TWITTER, INC.,

16 Plaintiff,

17 v.

18 LORETTA E. LYNCH, Attorney General
 of the United States, *et al.*,

19 Defendants.
 20

Case No. 14-cv-04480-YGR

**PLAINTIFF’S NOTICE REGARDING
 ENACTMENT OF USA FREEDOM ACT**

21 Plaintiff Twitter joins the Defendants in filing Notice to the Court of new legislation,
 22 namely, the USA FREEDOM Act of 2015, H.R. 2048, 114th Cong. (2015) (enacted), 161 Cong.
 23 Rec. S3419-3634 (daily ed. June 2, 2015) (“USAFA”), which was signed into law by President
 24 Obama on June 3, 2015. Section 603 of the USAFA amends Title VI of the Foreign Intelligence
 25 Surveillance Act of 1978 (“FISA”) (50 U.S.C. § 1871 *et seq.*), by adding at the end the following
 26 new section: “Sec. 604. Public Reporting by Persons Subject to Orders.” A copy of Section 603
 27 of the USAFA is attached as Exhibit 1. In addition, Section 502(g) of the USAFA amends the
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1 nondisclosure provision regarding national security letters at 18 U.S.C. § 3511(b). A copy of
2 Section 502 of the USAFA is attached as Exhibit 2.

3 In their Notice to the Court, Defendants state that passage of the USAFA “may
4 significantly impact the claims in this case.” However, the USAFA does not impact Defendants’
5 Partial Motion to Dismiss pending before this Court. The issues raised in Defendants’ motion—
6 pertaining to the Administrative Procedure Act, 5 U.S.C. § 551 *et seq.*, transfer of FISA-related
7 claims to the Foreign Intelligence Surveillance Court, and deferring consideration of certain
8 issues pertaining to national security letters—are not affected by passage of the USAFA, and
9 Defendants’ Notice to the Court does not state otherwise. Therefore, no further briefing is
10 necessary before the Court rules on the Defendants’ motion. Plaintiffs will meet and confer with
11 Defendants at an appropriate time regarding the potential impact of the USAFA on other aspects
12 of this case.

13 DATED: June 9, 2015

Respectfully Submitted,

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15 By: /s/ Michael A. Sussmann

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