

**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

Notice of Motion

PLEASE TAKE NOTICE that upon the accompanying memorandum of law in support of defendants' motion to dismiss the complaint, dated August 26, 2013, and the exhibits thereto, defendants 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, in his official capacity as Director of the Federal Bureau of Investigation, will move this Court, before the Honorable William J. Pauley, at the United States Courthouse, 500 Pearl Street,

New York, New York, for an Order dismissing the complaint pursuant to Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure.

PLEASE TAKE FURTHER NOTICE that pursuant to the Court's Corrected Scheduling Order dated August 8, 2013, opposition papers, if any, are to be served on or before September 26, 2013.

Dated: New York, New York
August 26, 2013

STUART F. DELERY
Assistant Attorney General

JOSEPH H. HUNT
Director

ANTHONY J. COPPOLINO
Deputy Director

By: /s/ James Gilligan
JAMES J. GILLIGAN
Special Litigation Counsel
MARCIA BERMAN
Senior Trial Counsel

BRYAN DEARINGER
Trial Attorney

Civil Division,
Federal Programs Branch
U.S. Department of Justice
20 Massachusetts Avenue, N.W.
Washington, DC 20001
Tel.: (202) 514-3358

PREET BHARARA
United States Attorney for the
Southern District of New York
Attorney for Defendants

By: /s/ David S. Jones
DAVID S. JONES
TARA M. La MORTE
JOHN D. CLOPPER
CHRISTOPHER HARWOOD
Assistant United States Attorneys
86 Chambers Street, 3rd Floor
New York, New York 10007
Tel. (212) 637-
2739/2746/2716/2728
Fax (212) 637-2730
david.jones6@usdoj.gov
tara.lamorte2@usdoj.gov
john.clopper@usdoj.gov
christopher.harwood@usdoj.gov