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10 UNITED STATES DISTRICT COURT
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA
12 OAKLAND DIVISION

13
14) Case No. CV 12-1013 - CW
15) Hon. Claudia Wilken
16 **First Amendment Coalition,**)
Plaintiff,)
17 vs.) **Defendant’s Notice of Withdrawal of**
18) **Motion for Summary Judgment**
19 **United States Department of Justice,**)
Defendant.)
20)
21)

22
23 Pursuant to Civil Local Rule 7-7(e), Defendant United States Department of Justice hereby
24 notifies the Court that it withdraws its motion for summary judgment in this case. Today, at the
25 direction of the President, the Attorney General officially confirmed that the United States
26 Government targeted Anwar al-Aulaqi and conducted an operation that resulted in his death. See
27 May 22, 2013 Letter from the Attorney General to The Honorable Patrick J. Leahy (attached as Ex.

1 A), available at <http://www.justice.gov/slideshow/AG-letter-5-22-13.pdf>. Although that fact had
2 been properly classified, the President has determined that the United States' responsibility for
3 that operation can now be publicly acknowledged.

4 In its motion, the Department asked this Court to enter judgment in its favor on the basis
5 of the Office of Legal Counsel's Glomar response to the FOIA request in this case. Because that
6 Glomar response was issued to protect the previously classified fact of whether or not the United
7 States contemplated and conducted the operation that resulted in Anwar al-Aulaqi's death, the
8 Department respectfully withdraws its motion for summary judgment in this case. The
9 Department suggests that, within thirty days, it issue a modified response to Plaintiff's FOIA
10 request. After issuing that modified response, the Department proposes to confer with Plaintiff to
11 determine whether there are any disputes regarding the modified response that will require
12 resolution by the Court. The Department further proposes that, no later than fourteen days after
13 transmittal of the modified response, the parties will submit a joint status report notifying the
14 Court whether there remains such a dispute and, if so, proposing a briefing schedule.

15 Respectfully submitted.

16 May 22, 2013

17 **Stuart F. Delery**
Principal Deputy Assistant Attorney General

18 **Elizabeth J. Shapiro**
Deputy Director

19 /s/ Judson O. Littleton
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