

1 WILMER CUTLER PICKERING HALE
 AND DORR LLP
 2 John A. Rogovin (pro hac vice)
 Randolph D. Moss (pro hac vice)
 3 Samir C. Jain # 181572
 Brian M. Boynton # 222193
 4 Benjamin C. Mizer (pro hac vice)
 1875 Pennsylvania Ave, NW
 5 Washington, DC 20006
 Tel.: 202-663-6000
 6 Fax: 202-663-6363
 Email: john.rogovin@wilmerhale.com

MUNGER, TOLLES & OLSON LLP
 Henry Weissmann # 132418
 Susan R. Szabo # 155315
 Aimee A. Feinberg # 223309
 355 South Grand Avenue
 35th Floor
 Los Angeles, CA 90071-1560
 Tel.: 213-683-9100
 Fax: 213-683-5150
 Email: Henry.Weissmann@mto.com

7
 8 Randal S. Milch (pro hac vice)
 Verizon Communications Inc.
 One Verizon Way
 9 VC43E043
 Basking Ridge, NJ 07920
 10 Tel.: 908-559-1752
 Fax: 908-696-2136

11
 12 Attorneys for Verizon Communications Inc. and
 Verizon Maryland Inc.

13
 14 UNITED STATES DISTRICT COURT
 15 NORTHERN DISTRICT OF CALIFORNIA
 16 SAN FRANCISCO DIVISION

17)
 18)
 19)
 20)
 21)
 22)
 23)
 24)
 25)
 26)
 27)
 28)

MDL NO. 06-1791 VRW

IN RE:

NATIONAL SECURITY AGENCY
 TELECOMMUNICATIONS
 RECORDS LITIGATION

**VERIZON'S NOTICE OF MOTION AND
 MOTION TO DISMISS THE CHULSKY,
 RIORDAN, AND BREADY COMPLAINTS**

[Fed. R. Civ. P. 12(b)(6)]

This Document Relates To:
 06-3574, 06-6313, and 06-6570

Hearing Date: June 21, 2007
 Time: 2:00 p.m.
 Courtroom: 6 (17th floor)
 Judge: Hon. Vaughn R. Walker

NOTICE OF MOTION AND MOTION TO DISMISS

TO PLAINTIFFS AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on June 21, 2007, at 2:00 p.m., in the United States District Court for the Northern District of California, San Francisco Division, located at 450 Golden Gate Avenue, San Francisco, California, in Courtroom 6 (17th floor), the following Motion To Dismiss filed by Defendants Verizon Communications Inc. and Verizon Maryland Inc. will be heard.

Pursuant to Federal Rule of Civil Procedure 12(b)(6), Defendants Verizon Communications Inc. and Verizon Maryland Inc. hereby move to dismiss the complaints filed against them in *Chulsky v. Cellco Partnership & Verizon Communications Inc.*, No. 06-6570 (N.D. Cal.), *Riordan v. Verizon Communications Inc.*, No. 3:06-cv-3574 (N.D. Cal.), and *Bready v. Verizon Maryland Inc.*, No. 06-6313 (N.D. Cal.), on the grounds that Plaintiffs have failed to state a claim upon which relief may be granted because (1) all of Plaintiffs' state law claims are preempted, (2) Plaintiffs' fraud claims in *Chulsky* are not plead with particularity, and (3) Plaintiffs' contract claims in *Chulsky* fail to identify the contracts at issue.¹ This motion is based on this notice of motion and motion, the accompanying memorandum of law, all pleadings and records on file in these actions, and any other arguments presented to this Court at or before the hearing on this motion.

In addition to the grounds set forth above, these cases also should be dismissed in light of the invocation by the United States of the military and state secrets privilege, for the reasons explained in the Memorandum of the United States in Support of the Military and State Secrets Privilege and Motion To Dismiss or for Summary Judgment (Dkt. # 254). Verizon Communications Inc. is separately seeking dismissal of the *Riordan* case (and others) for lack of personal jurisdiction. If the Court were to grant that motion, it need not reach the grounds set forth in this motion for dismissal of *Riordan*.

¹ Cellco Partnership d/b/a Verizon Wireless, which was initially named as a defendant in *Chulsky*, has been dismissed from the case. See Order on Notice of Dismissal of Cellco Partnership (dba "Verizon Wireless") et al. (Apr. 5, 2007) (MDL Dkt. #230).

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Respectfully submitted,

Dated: April 30, 2007

WILMER CUTLER PICKERING HALE AND
DORR LLP

MUNGER, TOLLES & OLSON LLP

Randal S. Milch

By: /s/ John A. Rogovin

John A. Rogovin

Attorneys for Verizon Communications Inc. and
Verizon Maryland Inc.