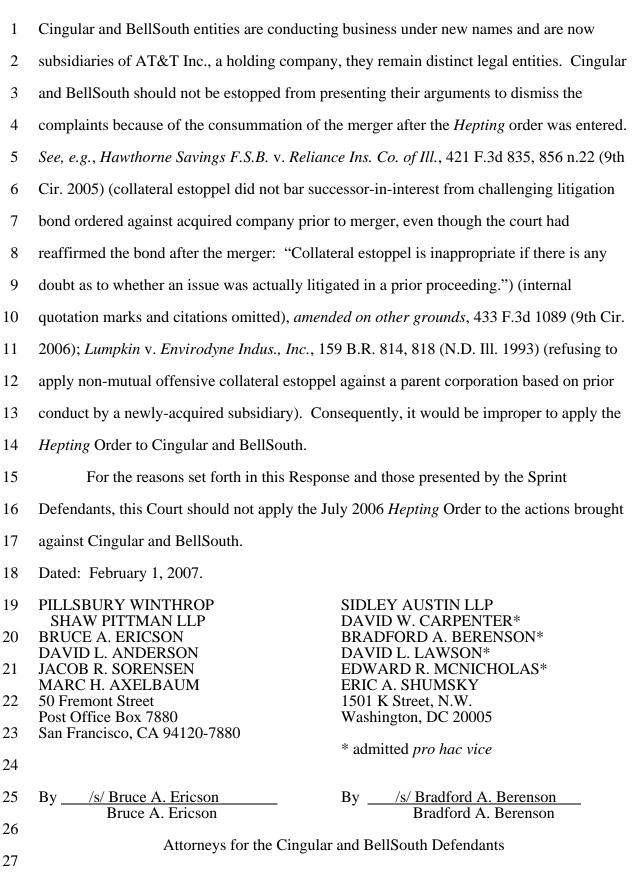
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14	UNITED STATES DISTRICT COURT	
15	NORTHERN DISTRICT OF CALIFORNIA	
16	SAN FRANCISCO DIVISION	
17		MDI DI- N. 06 1701 VDW
18	In re:	MDL Dkt. No. 06-1791-VRW
19	NATIONAL SECURITY AGENCY TELECOMMUNICATIONS RECORDS	RESPONSE OF CINGULAR AND BELLSOUTH TO ORDER TO SHOW CAUSE RE: APPLICATION OF
20	LITIGATION	HEPTING ORDER [DKT. 79]
21		D (
22	This Document Relates To:	Date: February 9, 2007 Time: 2:00 p.m. Courtroom: 6, 17th Floor
23	ALL ACTIONS	Judge: Hon. Vaughn R. Walker
24		_
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27		
28		

1	This Court has asked "[a]ll parties to SHOW CAUSE in writing why the Hepting	
2	order should not apply to all cases and claims to which the government asserts the state	
3	secrets privilege." Dkt. 79. For the reasons set forth herein, CINGULAR WIRELESS	
4	LLC, now known as AT&T MOBILITY LLC, NEW CINGULAR WIRELESS	
5	SERVICES, INC., and CINGULAR WIRELESS CORPORATION, now known as	
6	AT&T MOBILITY CORPORATION, 1 as well as BELLSOUTH CORP.,	
7	BELLSOUTH TELECOMMUNICATIONS, INC. and BELLSOUTH	
8	COMMUNICATIONS SYSTEMS, LLC (collectively, "Cingular and BellSouth")	
9	respectfully submit that this Court cannot and should not apply the Hepting order to bind	
10	carriers, including Cingular and BellSouth, which were not parties to the Hepting litigation	
11	As this Court is well aware, the only defendants named in the Hepting complaint are	
12	AT&T Inc. and AT&T Corp. The cases against Cingular and BellSouth were transferred to	
13	this MDL only after the issuance of this Court's Hepting July 20, 2006 Order ("Hepting	
14	Order") and six months after the complaint in Hepting.	
15	Like the Sprint Defendants, Cingular and BellSouth were not parties to the Hepting	
16	Order, and it would violate fundamental norms of due process to deny them a full and fair	
17	opportunity to be heard. In order to reduce redundant arguments, Cingular and BellSouth	
18	reply upon, and hereby incorporate by reference, the Sprint Defendants' Response to this	
19	Court's Order to Show Cause for the further explanation of its position. ²	
20	Cingular and BellSouth are now subsidiaries of AT&T Inc. as the result of the	
21	recent merger of AT&T Inc. and BellSouth, which was finalized after the Hepting Order	
22	was entered and after the filing of the complaints in this MDL. Although the various	
23		
24	¹ The name change for Cingular Wireless LLC to AT&T Mobility LLC was accepted and	
25	filed by the Delaware Secretary of State effective January 8, 2007. The name change for Cingular Wireless Corporation to AT&T Mobility Corporation was accepted and filed by	
26	the Delaware Secretary of State effective January 8, 2007.	
27	² The Sprint Defendants include Sprint Nextel Corp., Sprint Communications Co. L.P.,	

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Sprint Spectrum L.P. and Nextel West Corp.



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