

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

WIKIMEDIA FOUNDATION,

Plaintiff,

v.

NATIONAL SECURITY AGENCY / CENTRAL
SECURITY SERVICE, *et al.*,

Defendants.

Hon. T. S. Ellis, III

Civil Action No.
15-cv-00662-TSE

[PROPOSED] ORDER

It is hereby ORDERED that:

1. Plaintiff's Motion to Compel (Doc. _____) is GRANTED.
2. Defendants' objections to the discovery requests identified below are OVERRULED.
3. Pursuant to the in camera review provisions of FISA, 50 U.S.C. § 1806(f), within two weeks of the date of this Order, Defendants shall provide to the Court, in an ex parte submission:
 - a. Complete responses to Plaintiff's Requests for Admissions Nos. 6–10, 13–15, 16–21, 25–30, 34–40;
 - b. Complete responses to Plaintiff's Interrogatories Nos. 1–9, 14–20;
 - c. Unredacted copies of all documents responsive to Plaintiff's Requests for Production Nos. 10, 13–16, 18, 23–24, and with respect to Plaintiff's Requests for Production Nos. 21–22, all documents responsive to the topics identified in Exhibit 1 to the Declaration of Patrick Toomey dated March 26, 2018.

4. The following procedures shall apply to Plaintiff's Fed. R. Civ. P. 30(b)(6) deposition of Defendant NSA:
 - a. Within two weeks of receipt of the Court's ruling on this issue, Plaintiff shall file with the Court a motion to compel that identifies from the deposition transcript any questions for which Plaintiff seeks to compel answers over Defendant NSA's objection that the information is protected by the state secrets privilege, 50 U.S.C. § 3024(i), and/or 50 U.S.C. § 3605(a).
 - b. Within two weeks of Plaintiff's filing and serving the motion to compel, Defendant NSA shall provide to the Court ex parte, for in camera review, answers to the questions in the form of written responses and/or live oral testimony.
5. If the Court concludes in the course of its in camera review that any of the information described above has already been officially disclosed by the government, or that its disclosure to Plaintiff would not harm national security, such information shall be disclosed to Plaintiff.
6. Pursuant to 50 U.S.C. § 1806(f), if the Court concludes that disclosure to Plaintiff of any of the information described above is necessary to resolve the factual and legal questions at issue, such information shall be disclosed to Plaintiff under appropriate security procedures and protective orders.

SO ORDERED.

Dated: _____

HONORABLE T.S. ELLIS, III
United States District Judge