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9 IN THE UNITED STATES DISTRICT COURT
10 FOR THE NORTHERN DISTRICT OF CALIFORNIA
(SAN JOSE DIVISION)

11 **ALBERTO R. GONZALES, in his official)
12 capacity as ATTORNEY GENERAL OF THE)
13 UNITED STATES,)**

14 **Movant,**

15 v.

16 **GOOGLE INC.,**

17 **Respondent.**

) Case No. 5:06-mc-80006-JW

) **Movant's Statement in Response**
) **to Application for Leave to File**
) ***Amicus Curiae* Brief**

) Hearing: March 14, 2006
) Time: 9:00 a.m.
)

18 The movant, Alberto R. Gonzales, in his official capacity as Attorney General of
19 the United States, respectfully submits this statement of his position in response to the
20 application of Andrea M. Matwyshyn, *et al.*, for leave to file an *amicus curiae* brief.
21 (Doc. 19.) That application was filed on the same date as was the movant's reply brief,
22 and so movant has not previously had the opportunity to respond to it. The movant does
23 not oppose the granting of the application.
24

25 The *amici* also request this Court to permit further briefing. The movant
26 respectfully opposes that suggestion, for three reasons. First, as *amici* acknowledge, the
27 Court need not reach the issue concerning the Electronic Communications Privacy Act
28 (ECPA) for which they seek further briefing. The movant respectfully refers the Court to

CERTIFICATE OF SERVICE

I hereby certify that I have made service of the foregoing Movant's Statement in Response to Application for Leave to File *Amicus Curiae* Brief by depositing in Federal Express at Washington, D.C., on March 9, 2006, true, exact copies thereof, enclosed in an envelope with postage thereon prepaid, addressed to:

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