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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
JOHN DOE CORP; JOHN DOE; AMERICAN  
CIVIL LIBERTIES UNION; and AMERICAN  
CIVIL LIBERTIES UNION FOUNDATION,

Plaintiffs,

v.

ERIC H. HOLDER, Jr., in his official capacity as  
Attorney General of the United States; ROBERT  
MUELLER, in his official capacity as director of  
the FBI; and VALERIE CAPRONI, in her  
official capacity as General Counsel of the FBI,

Defendants.  
-----X

04 Civ. 2614 (VM)

DECLARATION OF  
JEFFREY OESTERICH

JEFFREY OESTERICH, pursuant to the provisions of 28 U.S.C. § 1746,


declares as follows:

1. I am an Assistant United States Attorney in the office of Lev L. Dassin, acting United States Attorney for the Southern District of New York, attorney for defendants in the above-captioned matter. I am one of the attorneys responsible for representing defendants in this action. As such, I am familiar with the proceedings in this case to date.

2. Annexed hereto as Exhibit A is the Certification of James W. McJunkin, Deputy Assistant Director, Federal Bureau of Investigation, dated June 16, 2009, executed in connection with this case.

I declare under penalty of perjury that the foregoing is true and correct.

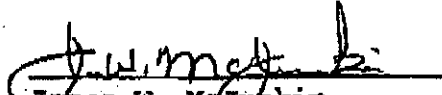
Executed: New York, New York  
June 17, 2009

  
JEFFREY OSTERICHER

## CERTIFICATION

I, James W. McJunkin a Deputy Assistant Director for the Federal Bureau of Investigation, and an official authorized to certify as to the necessity for the nondisclosure provision, do hereby certify that disclosure that the FBI has sought or obtained access to information or records through the National Security Letter issued in 2004 to the plaintiff John Doe in John Doe, et al., v. Eric Holder, et al., No. 1:04-cv-02614 (U.S.D.C. S.D.N.Y.), including, but not limited to, the disclosure of the NSL itself or its contents, may result in a danger to the national security of the United States, interference with a criminal, counterterrorism, or counterintelligence investigation, interference with diplomatic relations, or danger to the life or physical safety of any person, that is related to an authorized investigation to protect against international terrorism or clandestine intelligence activities.

06/16/2009  
Date

  
James W. McJunkin  
Deputy Assistant Director  
Federal Bureau of Investigation