

Carl J. Mayer (CM-6589)
66 Witherspoon Street - Suite 414
Princeton, New Jersey 08542
609-921-0253

Bruce J. Afran (BA-8583)
10 Braeburn Drive
Princeton, New Jersey 08540
609-924-2075

Attorneys for Representative Plaintiffs

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

REV. JOE McMURRAY; REV CHARLENE MANN;
DR. MICHAEL REUSCH; DR. TRUDY BOND;
PROF. ROBERT NEWBY;
SERGE POPPER; THOMAS S. DWYER;
JAMES VAN ALSTINE; MICHELE ROSEN;
THEODORE JONATHAN MORRIS; SHARON
ANN MORRIS; HARRIS SONDAK,
MERRILYN ROME; BRAD MARSTON;
GREG L. SMITH; MICHAEL BROOKS;
MICHAEL S. ROTHMEL;
ILENE PRUETT; ANTHONY BARTELEMY
LINDA GETTIER; STEPHANIE MEKET;
THOMAS MICHAEL FAIN; BARBARA LANGER;
PAM HADDON; VERN HADDON;
DONALD HERRON; RAY ANDERSON, COLLIN BABER;
MARK BAKER; JOHN BARRETT; WILLIAM BETZ;
FRAN BLAMER; SHANE AND KRISTEN BRINK;
MICHAEL BROOKS;
PAUL BRUNY; PETER CATIZONE; STEVE
CHRISTIANSON; JOHN CLARK; KINGSLEY CLARK;
THOMAS M. CLEAVER; PETER B. COLLINS; KRIS AND
MARK COSTA; JULIE DAVIS; SHARON L. DAVIS;
DIANE GAVLINSKI; TONI DIDONA, THERESA R. DUFFY;
SHAWN FITZGIBBONS; JOHN FITZPATRICK;
JENNIFER FLORIO; MARGARET FRANKLIN; DAWN
FURLER; C. GARIFO; JOSEPH GEHRING; JANE AND
MARK GENTILE-YOUD; LINDA J. AND G. LAWRENCE
GETTIER; JIT GILL; MIKE GILMORE; JAYSON GLEASON;
MARC GOLDSTONE; TODD GRAFF; JANET GRANJA;
SUSAN GROSSMAN; STEPHANIE GUSTAVE AND
KEVIN SHAWLER; DON AND DONNA HAWKINGS;
JOSE V. HEINERT; LAMAR HENDERSON; CAROLYN R.
AND DOUGLAS S. HENSLEY; JENNIFER HONTZ;
JOYCE JACKSON; ANDREW JAFFE, RANDEL JAMES;

MICHAEL JOHNSON; DIANE JULIANO; FAY KAISER,
RAJENDRAM KRISHNAN; MICHAEL LAVO; FRED LEAK;
KEN LEHA; BEN LINDSEY; LISA LOCKWOOD,
NANCY K. LOREY AND GERARD P. CLERKIN;
MICHAEL T. LYDA; ELEANOR M. LYNN ESQ.;
TERRY MANCOUR; JON PAUL McCLELLAN;
ALICIA McCOLLUM; JAMES McGRATTAN;
CLYDE MICHAEL MORGAN; MS. LODGE; SHERI A. MUELLER;
FRAN NOBILE; CHRIS VON OBENAUER; DAEDRIA
FARMER-PAELLMAN; DAN PATTON; RAY PENNA;
CONSTANCE PHILLIPS; MARK PLANTE; JEREMY PUHLMAN;
MARTIN RAZO; DANIEL REIMANN; MARK RICHARDS;
LINDA RITHKIS; WILLIAM ROBINETTE; FRED AND
DARLENE ROGERS; KATHLEEN ROGERS; WILLIAM J.
ROMANSKY; BRONSON ROSIER; JOSH SEEFRIED;
ANNA F. SHALLENBERGER; ROYCE SHEPARD;
ROBERT SIDEN; GREGORY L. SMITH; CHRISTIAN
STALBERG; MICHAEL L. STEPHAN; ROBERT STEWART;
DONNA A. STONE; PAUL AND REGINA SUNDBERG;
WILLIAM R. SWEENEY, JR.; DAVID TAYLOR; APRIL
TIPE; ALLEN T. TRADER III; BARRY W. TRIBBLE;
FRED TRINKOFF; THOMAS VILAR; VICKIE VOTAW;
LEON DWIGHT WALLACE; ACHIENG WARAMBO
AND ULRICH GEISTER; DAVID AND BETH WHITE; JANE WINSTON;
KEVIN WRIGHT; JOEL ANGER; CAROL COSE; DEBORAH
DOUGHERTY; JAMES FLYNN; IRENE KING; PAUL KRAFT;
GINA DE MIRANDA; CATALINA R. THOMPSON;
MARY LEAH WEISS; ELIZABETH T. ARNONE;
ELEANOR LYNN; JAY H. ROWELL; DANIEL REIMANN;
VIVIAN PHILLIPS; JEFFREY G. MARSOCCI; BRIDGET
IRVING; JAMES HALL, JOHN McINTYRE;
on behalf of themselves and all others similarly situated,

Plaintiffs,

v.

VERIZON COMMUNICATIONS INC.;
CELLCO PARTNERSHIP;
BELL SOUTH CORPORATION;
AT&T CORPORATION; AT&T INC.;
GEORGE W. BUSH, individually in
his executive capacity and as representative
of the UNITED STATES OF AMERICA;
and NATIONAL SECURITY AGENCY,

Defendants.

INDEX NO.:
06 CV 3650 (LBS)

Amended Complaint

Jury Demand

recipient to have unfettered and unrestricted access to all Verizon Wireless data and voice content.

78. Upon information and belief the line to Quantico fed Verizon Wireless data to a U.S. government agency situated in or near Quantico, Virginia.

79. Unlike all other transmission lines at the data center, the "Quantico" line was not connected to any firewall that would have restricted access to Verizon's records and the "Quantico" recipient was thereby enabled by Verizon to access all calls, calling histories and content placed on the Verizon Wireless network.

80. Upon information and belief, and based upon the foregoing, Verizon in or about 2003, and upon further information and belief at other times, gave unlimited, unrestricted and unfettered access to all wireless call data, information and contents to a government agency situated in Quantico, Virginia.

Defendant ATT's Construction of a Call Monitoring Center
for the Exclusive Use of the NSA.

81. Within eleven (11) days of the onset of the Bush administration, and at least seven (7) months prior to the attacks of September 11, 2001, defendant ATT began development of a center for monitoring long distance calls and internet transmissions and other digital information for the exclusive use of the NSA.

82. The center was put into development by ATT following a proposal by the NSA for the construction and development of a network operations center identical to ATT's own network operations center located in Bedminster, New Jersey for the exclusive use of the NSA.

83. The NSA proposal was accepted by the ATT sales division and referred to ATT Solutions, an ATT project development division situated in Florham Park, New Jersey.

84. The NSA proposal sought construction of a duplicate ATT Network Operations Center for the exclusive use of the NSA with the capacity to monitor all calls and internet traffic placed on the ATT long distance network, as well as ATT's wide area, fiber optic, T-1, T-3, T-5 and high speed data networks.

85. Such a data center would also enable the NSA to tap into any call placed on the ATT network and to monitor the contents of all digital information transmitted over the ATT network.

86. The project was described in the ATT sales division documents as calling for the construction of a facility to store and retain data gathered by the NSA from its domestic and foreign intelligence operations but was to be in actuality a duplicate ATT Network

Operations Center for the use and possession of the NSA that would give the NSA direct, unlimited, unrestricted and unfettered access to all call information and internet and digital traffic on ATT's long distance networks.

87. Said data center would enable the NSA to tap into any phone line and to monitor any digital transfer of information on ATT's networks including voice telephone calls, facsimile transmission and all internet traffic.

88. Such project was in development not later than February 1, 2001, within eleven (11) days of the onset of the Bush Administration.

89. The NSA program was initially conceived at least one year prior to 2001 but had been called off; it was reinstated within 11 days of the entry into office of defendant George W. Bush.

90. The NSA program was code-named Pioneer-Groundbreaker and was also known at ATT Solutions division as GEMS (Groundbreaker Enterprise System).

91. International Business Machines Corporation (IBM) was one of the parties working with ATT and the NSA to develop the monitoring center and IBM personnel participated in meetings with ATT and NSA officials in the development of the monitoring center.

92. Among the purposes of the Pioneer-Groundbreaker project was the storing and monitoring of all phone call information coming across ATT's networks; by means of this program NSA sought to duplicate all of the phone call information that came across ATT's networks for real time, contemporaneous analysis or, alternately, for downloading and later use by the NSA.

93. The proposed project was to be a storage entity modeled on ATT's network operations center in Bedminster, New Jersey, and would have the capability to monitor all data and traffic that came across ATT lines, including ATT traffic and traffic originating from other carriers that used ATT lines or that sent calls to ATT customers.

94. The NSA was seeking to duplicate the ATT network operations center and sought by means of the Pioneer-Groundbreaker program the ability to monitor all traffic coming across ATT's network.

95. The contact list for the Pioneer-Groundbreaker project consisted of a minimum of 35 ATT employees dedicated in whole or in part to the Pioneer-Groundbreaker program.

96. An ATT Solutions logbook reviewed by counsel confirms the Pioneer-Groundbreaker project start date of February 1, 2001.

97. The ATT Solutions logbook confirms the dates and transmissions of copies of ATT, IBM and NSA e-mails setting forth the existence of the Pioneer-Groundbreaker program; said e-mails remain in the custody, possession and control of ATT, IBM and NSA.

98. Said logbook was maintained pursuant to ATT Solutions policy in the regular course of business by telecom engineers at ATT Solutions.

99. Counsel have been informed of the foregoing information by several informants who had direct knowledge or who have received direct admissions by ATT personnel as to the foregoing facts.

100. ATT has not denied any of the allegations in the media disclosures of May 11, 2006.

101. Accordingly, defendant carrier ATT was engaged in active and knowing participation and conspiracy to violate 18 U.S.C. 2702, et seq., in concert with the United States not later than February 1, 2001.

Admissions Against Interest of Defendant Carrier BellSouth

102. In the reports of May 11, 2006, Defendant BellSouth was directly and specifically accused of disclosing its subscriber calling information and histories to the United States government without warrant or subpoena.

103. Despite such direct and specific accusations BellSouth has refused to and failed to deny that it gave subscriber telephone records or subscriber calling information or histories to the United States government without warrant or subpoena.