

unavailability of this information requires dismissal or the entry of summary judgment in favor of Defendants.

Defendants' arguments in support of this motion are set forth in the classified *in camera*, *ex parte* and unclassified versions of Defendants' Memorandum of Points and Authorities in Support of the United States' Assertion of the Military and State Secrets Privilege; and Defendants' Motion to Dismiss or, in the Alternative, Motion for Summary Judgment; and Defendants' Motion to Stay Consideration of Plaintiffs' Motion for Summary Judgment Memorandum of Points and Authorities, and in the declarations accompanying this motion, including those submitted for *in camera*, *ex parte* review. See Defendants' Notice of Lodging of *In Camera*, *Ex Parte* Materials.

Respectfully submitted,

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