

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

VALERIE PLAME WILSON;
SIMON & SCHUSTER, INC.,

Plaintiffs,

v.

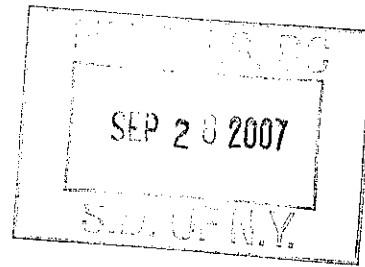
J. MICHAEL MCCONNELL, in his official
capacity as Director of National Intelligence;
CENTRAL INTELLIGENCE AGENCY;
GEN. MICHAEL V. HAYDEN, in his official
capacity as Director of Central Intelligence
Agency,

Defendants.

ECF

NOTICE OF APPEAL

07 CIV 4595 (BSJ)



NOTICE IS HEREBY GIVEN that Valerie Plame Wilson and Simon & Schuster, Inc., plaintiffs in the above-captioned case, hereby appeal to the United States Court of Appeals for the Second Circuit from the judgment denying plaintiffs' motion for summary judgment and granting the federal government defendants' motion for summary judgment entered in this action on the 3rd day of August, 2007, attached hereto as Exhibit A, and from the District Court's Opinion & Order dated August 1, 2007 and filed August 3, 2007, attached hereto as Exhibit B, which held, *inter alia*, that a prior restraint in alleged violation of the First Amendment imposed by the Executive Branch of the federal government to prevent publication in Valerie Plame Wilson's forthcoming memoir FAIR GAME: MY LIFE AS A SPY, MY BETRAYAL BY THE WHITE HOUSE of "her dates of employment for the Central Intelligence Agency" ("CIA") was permissible because, *inter alia*, information concerning "Wilson's pre-2002 employment for the CIA (if any)" was "properly classified" and remained classifiable under the circumstances presented pursuant to Executive Order, was not "made public 'through' an official disclosure" by

CIA, and was not “officially acknowledged” by CIA, notwithstanding certain factual findings by the District Court and facts in the record, including that the “Chief of the CIA’s Retirement and Insurance Services” sent a letter to Valerie Wilson “on CIA letterhead, by first class mail, and without any indicia that the information contained therein was classified,” that the CIA letter “purports to set forth Wilson’s dates in service and the date she would become eligible to receive her annuity,” that a member of the House of Representatives caused that letter to be published in the Congressional Record as part of the legislative process, that the letter was “in the public domain” because CIA had delivered it to Wilson in connection with efforts to receive her deferred annuity after she was “outed” by “senior government officials” which “ultimately caused her to resign from the CIA in January 2006,” that the information concerning Wilson’s dates in service was sought and obtained by Congress in connection with introduction of “a private bill to make Wilson’s annuity available to her earlier than under the extant statutory scheme,” and that the information is “publicly accessible on the Internet through the Library of Congress’s website.”

The parties to this appeal and their respective attorneys are:

J. MICHAEL MCCONNELL, in his official capacity as Director of National Intelligence; CENTRAL INTELLIGENCE AGENCY;
GEN. MICHAEL V. HAYDEN, in his official capacity as Director of Central Intelligence Agency

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Respectfully submitted on this 28th day of September, 2007.

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