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**UNITED STATES DISTRICT COURT
 DISTRICT OF OREGON**

AL-HARAMAIN ISLAMIC
 FOUNDATION, *et al.*,

Case No. CV 06-274-KI

Plaintiffs,

V.

GEORGE W. BUSH, *et al.*,

Defendants.

PLAINTIFFS' RESPONSE TO
 DEFENDANTS' MOTION FOR EXTENSION
 OF TIME AND FOR LEAVE TO FILE
 CONSOLIDATED RESPONSE;
 PLAINTIFFS' REQUEST FOR LEAVE TO
 FILE REPLY TO DEFENDANTS'
 RESPONSE TO MOTION TO COMPEL;
 PLAINTIFFS' REQUEST FOR EXTENSION
 OF TIME TO RESPOND TO DEFENDANTS'
 DISPOSITIVE MOTION; and PLAINTIFFS'
 REQUEST FOR EXTENSION OF
 DISCOVERY DEADLINE

LOCAL RULE 7.1(a) CERTIFICATION

The parties have made a good faith effort to resolve the issues raised in this Response and Motion. Defendants have no objection to Plaintiffs filing a response to Defendants' forthcoming Motion to Dismiss on July 24, 2006, or to Plaintiffs filing a reply brief in support of their Motion to Compel on June 30, 2006, before briefing is complete on Defendants' Motion to Dismiss. However, Defendants oppose the resolution of Plaintiffs' Motion to Compel separately from and before Defendants' Motion to Dismiss is fully briefed, heard, and ripe for decision, because the basis for Defendants' position on both matters will be the same state secrets privilege assertion.

1. PLAINTIFFS' RESPONSE TO DEFENDANTS' MOTION FOR EXTENSION

Plaintiffs have no objection to Defendants' motion to extend the time to respond to the Complaint until June 16, 2006, and to extend the time to respond to the Motion to Compel to the same date, June 16, 2006.

2. PLAINTIFFS' OBJECTION TO DEFENDANTS' FILING CONSOLIDATED RESPONSES, AND PLAINTIFFS' REQUEST TO ALLOW FILING OF REPLY TO DEFENDANTS' RESPONSE TO PLAINTIFFS' MOTION TO COMPEL

A. Plaintiffs do object to Defendants filing a consolidated response, and believe the discovery motion and answer to the Complaint should be considered separately by the Court.

Although the Court allowed discovery to proceed several months ago, defendants have refused to produce one document, have refused to answer a single interrogatory, and have refused to produce a witness for deposition in response to plaintiffs' discovery requests. Plaintiffs filed requests for production of documents; defendants objected to each request. Plaintiffs filed interrogatories; defendants objected to each interrogatory. Plaintiffs noticed Barbara C. Hammerle, Acting Director of the Office of Foreign Assets Control, to a deposition

in Washington, D.C. on June 12th. Defendants “will soon file a motion . . . to quash the deposition . . .” (Defendants’ Motion, p. 3).

To first deal with defendants’ objections to interrogatories, plaintiffs have filed a motion to compel. Plaintiffs urge the Court to resolve this issue before their response is due to what they anticipate will be defendants’ dispositive motion. If the motion to compel is then granted, the interrogatory responses can be utilized by plaintiffs in their response to the dispositive motion. The requested briefing schedule set out below, if accepted by the Court, should allow this to happen.

B. Although replies in discovery are not allowed by the local court rules, given defendants’ intention to assert the state secrets privilege in their response to plaintiffs’ motion to compel to be filed on June 16th, plaintiffs request the Court’s permission to file a reply to the response by June 30th. Plaintiffs further request that the motion to compel be resolved before their response is due to what they anticipate will be defendants’ dispositive motion so that if the motion to compel is granted, the interrogatory responses can be utilized in plaintiffs’ response to the dispositive motion.

3. PLAINTIFFS’ REQUEST FOR EXTENSION OF TIME TO FILE RESPONSE TO DEFENDANTS’ ANTICIPATED DISPOSITIVE MOTION.

Plaintiffs request that after defendants’ response to the complaint is filed on June 16, 2006, plaintiffs be allowed until July 24, 2006 to respond to defendants’ dispositive motion. In part, this request is based upon the hope that the issues raised by defendants’ motion to limit access, and plaintiffs’ motion to compel, will be resolved before July 24th in plaintiffs’ favor, allowing plaintiffs to then use the document and interrogatory responses in their response to the dispositive motion.

4. PLAINTIFFS’ REQUEST TO EXTEND DISCOVERY DEADLINE

Finally, plaintiffs request that the present discovery deadline of June 30, 2006 be extended. It may not make sense to set a discovery deadline at this point with discovery in *de facto* abeyance until the issues defendants raise essentially objecting to all discovery are resolved by the Court.

DATED this 2nd day of June, 2006.

Respectfully submitted,

/s/ Steven Goldberg
STEVEN GOLDBERG, OSB 75134
Of Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing PLAINTIFFS' RESPONSE TO DEFENDANTS' MOTION FOR EXTENSION OF TIME upon the following:

Anthony J. Coppolino / Andrew Tannenbaum / Andrea Gacki
U.S. Dept. of Justice
P.O. Box 883, Rm. 6102
Washington D.C. 20044

Attorney for Defendant

 X by **MAILING** a full, true and correct copy in a sealed envelope, with postage paid, addressed to the above-named party at last known address, and deposited with U.S. Postal Service in Portland, Oregon on this date.

 by **ELECTRONIC DELIVERY VIA E-MAIL** a full, true and correct copy to the above-named party(ies) to the last known e-mail address on this date via the Court CM/ECF electronic filing system.

 by **FAXING** a full, true and correct copy to the above-named party to the fax listed above on this date. Said attorney's facsimile was operating at the time of service. The transmission was recorded and confirmed.

 by **HAND DELIVERING** a full, true and correct copy to the above-named party by messenger service to the last known office address of said party.

 by **OVERNIGHT COURIER** a full, true and correct copy to the above-named party in a sealed envelope, with courier fees paid to the last know office street address of said party.

DATED: June 2, 2006.

/s/Steven Goldberg
Steven Goldberg, OSB No. 75134