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**Subject:** FW: Meet & Confer wrt 08-0442 Motion for Clarification and Reconsideration

----- Original Message -----

From: Carpenter, Charles  
To: 'Johnson, Timothy (CIV)' <Timothy.Johnson4@usdoj.gov>  
Cc: Henry, Terry (CIV) <Terry.Henry@usdoj.gov>; 'Stephen Truitt' <truittsm@gmail.com>  
Sent: Fri Nov 14 18:23:05 2008  
Subject: RE: Meet & Confer wrt 08-0442 Motion for Clarification and Reconsideration

Mr. Johnson:

The email below does not meet the requirements of Rule 7(m). Without waiving that objection, we have a couple of points for you to consider should you decide to meet and confer concerning a proposed motion. First, in our view, a motion for certification of an appeal from the case management order would be frivolous. We would take appropriate remedial action if such a motion is filed, or if the government fails to comply with its obligations under the case management order while a motion to appeal (or reconsider) that order is pending.

Second, what is your specific proposal for the schedule for the cases of Abdullah (05-23) and Falesteny (05-2386)? It is impossible for us to assess your request without knowing what you are actually requesting. Obviously, an indefinite extension is utterly unacceptable, not to mention directly contrary to the mandate of the Supreme Court and, if we recall correctly, Mr. Katsas' representations to both Judge Lamberth and Judge Hogan.

We look forward to hearing from the government when it is prepared to meet and confer about a definite schedule for the actions of Abdullah and Falesteny.

Charles H. Carpenter  
Attorney at Law  
Pepper Hamilton LLP  
Hamilton Square  
600 Fourteenth Street, N.W.  
Washington, D.C. 20005-2004  
202.220.1507 - Direct  
202.220.1665 - Fax  
603.258.8131 - Direct Fax  
carpenterc@pepperlaw.com  
www.pepperlaw.com

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From: Johnson, Timothy (CIV) [mailto:Timothy.Johnson4@usdoj.gov]  
Sent: Friday, November 14, 2008 1:26 PM  
To: Johnson, Timothy (CIV)  
Cc: Henry, Terry (CIV)  
Subject: Meet & Confer wrt 08-0442 Motion for Clarification and Reconsideration

Counsel:

In each of your cases in which the parties have not agreed to a stay, the government

intends to file a motion for clarification and reconsideration of the Court's November 6, 2008 case management order (and supplemental amended orders, where applicable), or in the alternative, a motion for certification for appeal and to stay certain obligations pending appeal. The basis for this motion is that the November 6, 2008 procedural order is legally inappropriate and unworkable. Please advise if you oppose the motion by noon, ET, on Monday, November 17, 2008. When you respond, please indicate the case number and petitioner to which your response applies. Thank you.

Timothy A. Johnson

Trial Attorney

U.S. Department of Justice

Civil Division, Federal Programs Branch  
20 Massachusetts Ave, NW, Rm 7328  
Washington, DC 20530