

Attachments: Three emails asking to meet and confer.

GT Hunt

From: "GT Hunt" <gthunt@mdo.net>
To: <Andrew.Warden@usdoj.gov>; "Judry Subar" <Judry.Subar@usdoj.gov>; <Catherine.Hancock@usdoj.gov>; <Robert.Loeb@usdoj.gov>
Sent: Monday, November 10, 2008 9:41 PM
Subject: Paracha, 02cv02022-PLF discovery demand

Dear Friends:

Under Judge Hogan's order of November 6, 2008, petitioner is entitled to, "Any documents or objects in [the government's] possession that are referenced in the factual return; (2) all statements, in whatever form, made or adopted by the petitioner that relate to the information contained in the factual return; and (3) information about the circumstances in which such statements of the petitioner were made or adopted," but only if requested by the petitioner. Petitioner does hereby request those three categories of items.

Under the order this material will be due 14 days from this request, which will be November 24, 2008. Petitioner reserves the right to amplify this request, but the November 24 date will remain firm.

The order also requires the government to produce: 1) its legal justification for detaining petitioner Paracha (which presumably will include the government's definition of an enemy combatant) by November 13, 2008; 2) an unclassified version of the factual return by November 20, 2008; and 3) all exculpatory evidence by November 20, 2008.

This seems like a lot to get together in the time allowed, but given that petitioner needs medical treatment he is not getting and has been held for over five years without due process, his lawyers cannot in good conscience allow their instincts of professional accommodation and courtesy their normal free rein in agreeing to delays. But whenever a government lawyer is assigned responsibility for the case, with authority to discuss substantial compromises, we will be delighted to meet and confer about possible extensions. For instance, if Paracha could be brought to a hospital on the mainland where he can get the cardiac catheterization he so badly needs, the deadlines could be much more flexible. We look forward to hearing from you. Meanwhile, the schedule in Judge Hogan's order must remain firm.

Thanks,
Gaillard T. Hunt, Attorney for petitioners
(D.C. Bar number 89375)
10705 Tenbrook Drive
Silver Spring, Maryland 20901
301-530-2807

11/11/2008

GT Hunt

From: "GT Hunt" <gthunt@mdo.net>
To: "Johnson, Timothy (CIV)" <Timothy.Johnson4@usdoj.gov>
Cc: "Henry, Terry (CIV)" <Terry.Henry@usdoj.gov>
Sent: Monday, November 17, 2008 9:10 AM
Subject: Re: Meet & Confer wrt 08-0442 Motion for Clarification and Reconsideration

Dear Mr. Timothy Johnson:

I represent the petitioners in Paracha v. Bush, 04cv02022-PLF.

I have your email of November 14, 2008, with subject line "Meet and confer wrt 08-442 Motion for Clarification and Reconsideration."

On November 10, 2008, I sent Mr. Andrew Warden of your office an email with the subject line, "Paracha, 02cv02022-PLF Discovery Demand." (I apologize: that should read, "04cv02022-PLF," but I believe Mr. Warden knows where to find the Paracha case. There is only one Paracha habeas in the USDC for D.C.) A copy of that email is pasted below. The final paragraph of that email suggested that Judge Hogan's November 6, 2008, case management order required "a lot to get together in the time allowed," and suggested that we meet and confer to work out some viable adjustments. That is still Paracha's position: His lawyers will meet and confer with any government lawyer who has knowledge of his case and authority to deal with it.

This is an obligation under the local rules, and we will insist on it as a condition precedent to any motion to modify the case management order. There is no way the government's blanket email of November 14, 2008, can be said to comply with that obligation. Paracha is not a member of a class in a class action, his case differs dramatically from that of the enemy combatants, and he has a serious medical problem that the government has willfully neglected. Until the government assigns an attorney to his case with authority to negotiate routine litigation accommodations, we will oppose any attempt to modify the order of November 6, 2008. But if such a lawyer will contact us, he or she will find us eager to meet and confer and may be surprised how reasonable we are.

Thank you,
 G.T. Hunt
 (D.C. Bar number 89375)
 10705 Tenbrook Drive
 Silver Spring, Maryland 20901
 301-530-2807

*****November 10, 2008, message to Andrew Warden:

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Thanks,
Gaillard T. Hunt, Attorney for petitioners
(D.C. Bar number 89375)
10705 Tenbrook Drive
Silver Spring, Maryland 20901
301-530-2807

*****end of November 10, 2008, message

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

From: Gaillard T. Hunt (GTH)
To: [mailto:Paracha@ON...]
Cc: [mailto:GTH@...]
Sent: Friday, November 14, 2008 1:25 PM
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

11/22/2008

GT Hunt

From: "GT Hunt" <gthunt@mdo.net>
To: <Terry.Henry@usdoj.gov>; <Andrew.Warden@usdoj.gov>; <Gregory.Katsas@usdoj.gov>; <Paul.Ahern@usdoj.gov>
Sent: Friday, November 21, 2008 10:00 PM
Subject: Paracha, 04cv02022-PLF -- discovery, meet and confer

Dear Friends:

I have your "Government's Notice Pertaining to Production of Exculpatory Information," filed November 20, 2008, docket number 210 in Paracha's case.

There may be cases where the only exculpatory information is the detainee's denials, but we know that's not true in Paracha's case. When Paracha's son was tried in the Southern District of New York at least two items of Brady material were handed over which exonerated Paracha as much as his son. These items, and all the material detailed in our recent demand, must be handed over in this habeas case.

So the "Government's Notice" is erroneous and inappropriate in Paracha's case. I know none of you intended to deliberately mislead the Court, but such inaccuracy is inevitable as long as no one government lawyer is assigned to Paracha's case and given authority to review it and to meet and confer with Paracha's counsel. Please let us know as soon as you are able to designate such a person.

The government should be eager to designate someone and move on to productive negotiations because we have pending Paracha's motion for summary judgment, which we recently renewed and brought up to date. If we could get a ruling on that motion the issues would be greatly clarified – or maybe we could close out the case altogether.

Yours,
Gaillard T. Hunt
Counsel for Paracha
(D.C. Bar number 89375)
10705 Tenbrook Drive
Silver Spring, Maryland 20901
301-530-2807

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