

# EXHIBIT B

**Simon, Gia**

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**From:** Spahn, Brian  
**Sent:** Friday, November 14, 2008 3:11 PM  
**To:** 'Johnson, Timothy (CIV)'  
**Cc:** terry.henry@usdoj.gov  
**Subject:** RE: Meet & Confer wrt 08-0442 Motion for Clarification and Reconsideration

Dear Mr. Johnson:

I am responding on behalf of petitioners in Al-Adahi et. al. v. Bush, No. 05-280 and one of the petitioners in Mohammon v. Bush, 05-2386, Sharkawi Abda Ali Al-Haag (ISN 1457). In order to properly take a position with regard to your motion, we need further clarification. Please let us know the basis for your position that the case management order is legally inappropriate.

Best,

Brian C. Spahn  
Associate  
**SUTHERLAND**  
1275 Pennsylvania Avenue, NW  
Washington, D.C. 20004-2415  
202.383.0832 direct  
202.637.3593 facsimile  
Please update your records with my new email address: [brian.spahn@sutherland.com](mailto:brian.spahn@sutherland.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

11/25/2008