

Samuel Kauffman

From: Samuel Kauffman
Sent: Monday, November 17, 2008 9:38 AM
To: 'Johnson, Timothy (CIV)'
Cc: Henry, Terry (CIV); Bob Weaver; Eldon Greenberg; John Rothermich
Subject: RE: Meet & Confer wrt 08-0442 Motion for Clarification and Reconsideration (Faraj and Al-Mohammed)

Timothy:

On behalf of Faraj (ISN 329, Case No. 05-1490-TFH) and Al-Mohammed (ISN 537, Case No. 05-247-HHK) we are unable to respond to your request for our position on the government's motion for clarification and reconsideration.

It is impossible for us to determine, based on your broad and vague statements about the nature of the relief you intend to request and the grounds for your request, whether we would oppose the motion in its entirety or whether it might be possible to "narrow the areas of disagreement," as Local Rule 7(m) contemplates.

Accordingly, please forward us a draft of the motion, or, at a minimum, a more specific statement of the relief being requested and the grounds for that relief. We then would be prepared to have a telephone discussion with you or your co-counsel to see if we can narrow the areas of disagreement.

Best Regards,
Sam Kauffman
Garvey Schubert Barer

From: Johnson, Timothy (CIV) [mailto:Timothy.Johnson4@usdoj.gov]
Sent: Friday, November 14, 2008 10:26 AM
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
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