

Rein, Abraham

From: Sarkessian, Juliet
Sent: Monday, November 17, 2008 11:06 AM
To: Johnson, Timothy (CIV)
Cc: Henry, Terry (CIV)
Subject: RE: Meet & Confer wrt 08-0442 Motion for Clarification and Reconsideration

Mr. Johnson,

I am responding on behalf of the Petitioners in *Zadran, et al. v. Bush, et al.*, 05-2367 (RWR), *Al Razak, et al. v. Bush, et al.*, 05-1601 (GK), and *Mousovi, et al. v. Bush, et al.*, 05-1124 (RMC). I infer from your email that your intention is to file the referenced motion with Judge Hogan, to which we object. Any relief Respondents may wish to seek with respect to the CMO is properly brought before the Merits Judge, as expressly contemplated by the CMO (see p. 2, n. 1). If you wish to make such a motion before the Merits Judges in our cases, please detail the relief you intend to seek so that we may discuss it with you to determine if there are any areas of possible agreement.

Thank you.

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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
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