

**Loewenstein, Andrew**

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**From:** Peter Ellis [pbellis@comcast.net]  
**Sent:** Friday, November 14, 2008 5:50 PM  
**To:** Johnson, Timothy (CIV)  
**Cc:** Henry, Terry (CIV); Ghia, Kiran; Loewenstein, Andrew  
**Subject:** RE: Meet & Confer wrt 08-0442 Motion for Clarification and Reconsideration

Dear Mr. Johnson:

We represent Mohammed Hidar (ISN 498) in the Mohammon case.

It is impossible to make an informed decision as to whether or not we will oppose the government's motion without knowing its substance: on what specific issues do you seek clarification or reconsideration, and what specific relief do you plan to request?

Merely asking counsel whether they will oppose a motion without disclosing its content and rationale does not, in my view (or that of many judges) constitute good faith compliance with the "meet and confer" obligations imposed by local rules.

Yours sincerely,

Peter Ellis  
Foley Hoag LLP

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

**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

11/26/2008