

Clarke, George

From: Clarke, George
Sent: Friday, November 14, 2008 1:43 PM
To: 'Timothy.Johnson4@usdoj.gov'
Cc: 'Terry.Henry@usdoj.gov'
Subject: Re: Meet & Confer wrt 08-0442 Motion for Clarification and Reconsideration

Gentlemen,

I appreciate the predicament you are in; trying to meet and confer with a whole load of habeas counsel with different opinions on many things. However, it is practically impossible for me to oppose or agree to a motion of this type without, at a minimum, some idea of what you are proposing as an alternative. The legal basis for your position would be a bonus, but given the situation you are dealing with, I will live with knowing at least what you will be proposing to the court (send me your draft proposed order if you cannot do anything else).

Please advise.

George

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

From: Johnson, Timothy (CIV) <Timothy.Johnson4@usdoj.gov>
To: Johnson, Timothy (CIV) <Timothy.Johnson4@usdoj.gov>
Cc: Henry, Terry (CIV) <Terry.Henry@usdoj.gov>
Sent: Fri Nov 14 13:25:53 2008
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

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