

Moss, J. Andrew

From: Chiss, Adam R.
Sent: Monday, November 17, 2008 10:23 AM
To: 'Timothy.Johnson4@usdoj.gov'
Cc: O'Hara, Matthew J.; Lewis, Brian C.; Moss, J. Andrew
Subject: RE: Meet & Confer wrt 08-0442 Motion for Clarification and Reconsideration

Dear Mr. Johnson,

I am responding to the email below that you sent to my colleague Matthew J. O'Hara last Friday. We represent the following petitioners in the Mohammon case: Walid Ibrahim Mustafa Abu Hijazi (ISN 049); Umar Hamzayevich Abdulayev (ISN 257); and Maasoum Abdah Mouhammad a/k/a Bilal LNU (ISN 330).

We object to your purported attempt to meet-and-confer by sending a generic email to all counsel, which plainly fails to satisfy the requirements of Local Rule 7(m). We also have no idea what specific relief you are seeking and the grounds on which you are seeking such relief. Until you disclose, at minimum, the specific issues your motion seeks to reconsider or clarify, we cannot intelligently decide whether there are any areas of disagreement that can be narrowed.

We stand ready to confer by telephone if you are interested in having such a conversation. Otherwise, we do not consent to the (vague) relief you are requesting.

Regards,
Adam Chiss

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From: Johnson, Timothy (CIV) [mailto:Timothy.Johnson4@usdoj.gov]
Sent: Friday, November 14, 2008 12:26 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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Civil Division, Federal Programs Branch
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