

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

IN RE:)	
)	
GUANTANAMO BAY)	Misc. No. 08-442 (TFH)
DETAINEE LITIGATION)	
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HANI SALEH RASHID ABDULLAH, <i>et al.</i> ,)	
)	
<i>Petitioners,</i>)	
)	
v.)	No. 05-0023 (RWR)
)	
GEORGE W. BUSH, <i>et al.</i> ,)	
)	
<i>Respondents.</i>)	
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REPLY IN SUPPORT OF MOTION TO COMPEL

The government's belief that Judge Hogan's order of December 16, 2008 exclusively "established what information is discoverable and how discovery should proceed" would eradicate Judge Hogan's earlier *caveat* of November 21, 2008 as well as this Court's order of November 19, 2008. (Mem. In Opp. at 2).

There is no warrant for doing so. Rather this view is another *ipse dixit* of self-help by respondents in line with their earlier contumacies and assumption that the filing of a motion *per se* extends compliance deadlines. It is relevant in this context to note the investigation this Court has ordered into the possible spoliation of evidence in violation of its July 2005 Preservation Order.

For the Court's reference and to clarify exactly what was communicated to the DOJ and when it was communicated we attach as exhibits 1 and 2, email correspondence to the Department. While it appears that some communications may have been misunderstood, the fact remains that the government's position is unjustified and writes the admonitions of this Court and Judge Hogan that it proceed apace with preparing for document production pending resolution of the motion to reconsider out of existence. Nonetheless, Abdullah would be satisfied with full compliance with section I.E.1 of the case management order by January 5, 2008.

Respectfully submitted,

/s/ Charles H. Carpenter

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