
From: Carpenter, Charles
Sent: Friday, December 19, 2008 5:34 PM
To: 'david.avila2@usdoj.com'
Subject: Discovery in 05-23 (ISN 841)

Dear Mr. Avila:

By our count, your responses to the discovery requests are due today, Friday December 19, 2008. We reach this conclusion by giving you full credit for the day you sought reconsideration, but not the days after that that Judge Roberts ordered the government to comply with discovery requests notwithstanding the motion. When Judge Hogan suspended your discovery obligation, he warned the government that it would need to continue to prepare its responses -- while this arguably should shorten your time further, we are willing to grant what amounts to a complete stop of the clock during that period. We are also willing to extend the government's time to respond to our discovery request until December 22, 2008, provided the government agrees to comply to the full extent of the case management order, as amended.

Obviously, your contention, then or now, that a request was overbroad does not relieve you of the obligation to respond to requests or portions of requests that are not overbroad (and Judge Hogan has defined the limits in his amended order). If you do not intend to comply fully with the court orders currently in effect on this point, please let us know asap, so we can schedule an opportunity to meet and confer in advance of our motion to compel.

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