

ISN 838 Exhibit A



"Walthall, Timothy (CIV)"
<Timothy.Walthall@usdoj.gov
>

01/05/2009 12:40 PM

To "Carlton Gunn" <Carlton_Gunn@fd.org>

cc <aconnor@debevoise.com>, "Barish, Daniel (CIV)"
<Daniel.Barish@usdoj.gov>, <dkillmer@killmerlane.com>,
<stephmac@earthlink.net>, <jrcowan@debevoise.com>,
bcc

Subject FW: Meet and Confer

Counsel for ISN 836-841:

Enclosed is the unclassified portion of our proposed joint filing explaining the government's reasons for seeking consolidation. This email seeks textual input for the joint filing from each petitioner who wishes to include something. We will not be able to disseminate the classified appendix prior to filing. You are of course free to state that you need more time, or need to review classified facts, before you can take a position and we will include that in this filing. Please get back to me by 6:00 pm this evening as this filing is due today. Your consideration of this matter is greatly appreciated.

With kind regards, I am

Timothy Walthall
U.S. department of Justice
(202) 305-0692

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

From: Walthall, Timothy (CIV)
Sent: Wednesday, December 31, 2008 6:21 PM
To: Carlton Gunn
Cc: aconnor@debevoise.com; Barish, Daniel (CIV);
dkillmer@killmerlane.com; stephmac@earthlink.net; jrcowan@debevoise.com;
Carpenter, Charles; pbronte@jenner.com
Subject: RE: Meet and Confer

Counsel for ISN 836-841:

Judge Hogan set the due date for motions to consolidate for Monday, January 5, 2009. At our conference last week, we discussed several options regarding how best to convey how and why the United States thinks these cases are related. You asked that the joint filing due January 5th reflect that counsel for the petitioners needed more time to be provided with and review information regarding the basis for the government's view that these cases might be consolidated.

For a number of reasons, this office will not be able to put together the materials you seek before January 5th. This office is, however, preparing an unclassified joint filing explaining our reasons for seeking consolidation, together with a classified joint appendix. I will be able to circulate the unclassified portion via email prior to filing, and I will then seek text for the joint filing from each petitioner who wishes to include something. Unfortunately, because of the multiple layers of review and the time of year, I do not know whether I will be able to send out the draft prior to Monday, and I do not know the circumstances, if any, by which I will be able to disseminate the classified appendix. You will be free, of course, to state that you need more time, or need to review classified facts, before you will be able to take a position and we will include that in

our filing.

Timothy Walthall
U.S. department of Justice
(202) 305-0692

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

From: Carlton Gunn [mailto:Carlton_Gunn@fd.org]
Sent: Wednesday, December 31, 2008 2:39 PM
To: Walthall, Timothy (CIV)
Cc: aconnor@debevoise.com; Barish, Daniel (CIV);
dkillmer@killmerlane.com; stephmac@earthlink.net
Subject: Re: Meet and Confer

Mr. Walthall,

We had the conference call scheduled below last week, and one point that some of us made was that it would be helpful to have a letter or some sort of summary from the government sent or delivered to the Secure Facility in which the government summarized how and why they think the cases below are related. I myself noted that I might be in Washington the end of next week, i.e., January 9, and could look at such a letter at that time and/or meet and confer in a setting in which classified information could be discussed. I assume other petitioners' counsel might be able to look at such a letter even earlier. In conjunction with this discussion, I think some of us proposed that we indicate in the joint filing due January 5 something to the effect that counsel for the petitioners needed further time to be provided with and review information regarding the basis for the government's view that these cases might be consolidated.

Since the conference call, I -- and I believe the other petitioners' counsel who participated -- have not heard anything further from the government about this or anything else related to the joint filing. Has the government given any further consideration to providing a letter or memo such as some of us suggested? For your information, I have in fact scheduled myself to be in Washington on January 9 and, barring some unforeseen circumstance, will be there and would like to have a summary of the government's rationale to review.

Carl Gunn

"Walthall,

Timothy (CIV)"

<Timothy.Walthall

To

@usdoj.gov>

<stephmac@earthlink.net>,

<Carlton_Gunn@fd.org>,

12/18/2008 04:45

<dkillmer@killmerlane.com>,

PM

<aconnor@debevoise.com>

cc

"Barish, Daniel (CIV)"
<Daniel.Barish@usdoj.gov>

Subject

Meet and Confer

Counsel:

In light of Judge Hogan's December 17, 2008 order requiring the parties to identify pending habeas corpus petitions that may be consolidated for merits proceedings, we propose consolidating petitions of the following detainees, listed by ISN, in one case:

836 (Civil Action No. 06-1765)

837 (04-1194) or (04-1254)

838 (08-1238)

839 (04-1194) or (05-0634)

840 (05-2186)

841 (05-0023) or (04-1254)

We believe that these petitions involve common issues of fact, and that litigating them together will be most efficient for the court and the parties. Pursuant to Local Rule 7(m), we wish to confer with all counsel for these petitioners. We therefore propose holding a conference call on December 22, at 3:00 pm. To participate in the call, please call (866) 507-5535, and enter code 833782. If you are unable to participate, please let me know by close of business on December 19, and we will make arrangements to confer separately.

Thank you for your cooperation. With kind regards, I am

Timothy B. Walthall



Joint Filing re Consolidation (01-05-09).pdf