

EXHIBIT A

Carlton Gunn/CACF/09/FDO
12/15/2008 12:24 PM

To "Groner, Arlene (CIV)" <Arlene.Groner@usdoj.gov>
cc Craig Harbaugh/CACF/09/FDO@FDO
bcc
Subject RE: Requested Modifications for Client Visits

Ms. Groner,

I am sending you this e-mail to follow up on our conference call earlier today. One of the things we discussed was petitioner's position on the designation of the unclassified return as "protected information." We indicated several things about our position, and you asked us to articulate those in writing in an e-mail. This e-mail is in response to that request.

First, we do not object to the designation of the unclassified return as "protected information" subject to the de-designation of it within one month from today. We would want a court order that it be de-designated automatically one month from today without any further motion or order, unless the government affirmatively makes a motion to extend its designation and shows good cause for doing so.

Second, we need to be able to share the unclassified return with three other people in our office. Those would include the investigator assigned to the case -- Deborah Crawford -- and our two secretaries -- Patricia Jacobsen and Deborah Cato. Just as you have indicated that we can review the unclassified return with our client, we request that you agree that we may have Ms. Crawford, Ms. Jacobsen, and Ms. Cato review and work with the return as necessary.

This constitutes our response to your request for our position on the designation of the unclassified return as "protected information." You do not need to file a motion with the court if you are agreeable to these conditions, but you otherwise should file a motion. If you have any questions or need to clarify what we have indicated herein, you can call me at (213) 894-1700 or Mr. Harbaugh at (213) 894-7865.

Carl Gunn

"Groner, Arlene (CIV)" <Arlene.Groner@usdoj.gov>



"Groner, Arlene (CIV)"
<Arlene.Groner@usdoj.gov>
12/11/2008 12:25 PM

To "Craig Harbaugh" <Craig_Harbaugh@fd.org>
cc "Carlton Gunn" <Carlton_Gunn@fd.org>
Subject RE: Requested Modifications for Client Visits

Please find attached the unclassified return for ISN 574 (in two emails). We have designated the unclassified return as "protected information" in accordance with the protective order entered by Judge Hogan on September 11, 2008. We have designated the information as protected because of the possibility of errors in redaction in the large number of unclassified returns being filed. General public disclosure or dissemination of the unclassified returns in these circumstances creates a potential danger to national security. Further explanation will be provided in our forthcoming motion. Please let me know your position on that designation by noon on December 16.

Pursuant to the order, you are required to treat the entire document as "protected information" unless and until the court rules that the information should not be designated as protected. That said, we have no objection to you sharing the contents of the protected return with [petitioner].

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

EXHIBIT B



"Sparks, Andrew (CIV)"
<Andrew.Sparks2@usdoj.gov
>

02/06/2009 02:17 PM

To "Carlton Gunn" <Carlton_Gunn@fd.org>, "Bruce, Blanche
(CIV)" <Blanche.Bruce2@usdoj.gov>
cc "Craig Harbaugh" <Craig_Harbaugh@fd.org>, "Deborah
Crawford" <Deborah_Crawford@fd.org>
bcc

Subject RE: Return in Al Wady case (ISN 574)

Mr. Gunn,

In response to your request below, we are unable to consent to disclosure of protected information to individuals who have not signed the protective agreement. We also believe such disclosure would be further problematic here, as no signed authorization for representation has been filed with the court.

Thanks,
Andrew Sparks

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

From: Carlton Gunn [mailto:Carlton_Gunn@fd.org]
Sent: Monday, February 02, 2009 1:10 PM
To: Sparks, Andrew (CIV); Bruce, Blanche (CIV); Sparks, Andrew (USAKYE);
Bruce, Blanche (USADC)
Cc: Craig Harbaugh; Deborah Crawford
Subject: Re: Return in Al Wady case (ISN 574)

Mr. Sparks and Ms. Bruce,

We are trying to locate the family of our client, Mr. Al Wady, and have people in Yemen or people with contacts in Yemen who are helping us in that effort. The second to last sentence in the first paragraph on page 2 of the ISN 574 FD-302 (Jun. 13, 2002) exhibit in the unclassified return has some information that would be very helpful to give to those who are helping us in our effort to locate the family, and we would like to be able to give it to them, but that is problematic given your designation of the entire unclassified return as protected and the fact that it is not feasible for us to demand that the people who are helping us and everyone else to whom those people might talk sign the agreement which is necessary for them to be given protected information. There is of course petitioners' pending motion objecting to the blanket designation of the unclassified returns as protected, but there is no way of knowing when the court will rule on that. In light of that, and our need to get in touch with Mr. Al Wady's family as quickly as possible, we are hoping that you will agree to remove the protected designation from this one sentence of this one exhibit in the unclassified return now rather than later.

Please let us know as soon as possible if you will agree to do this, as we would like to avoid having to file a motion on this seemingly minor matter. Thank you.

Carl Gunn