

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

IN RE:)
 GUANTANAMO BAY) Misc. No. 08-442 (TFH)
 DETAINEE LITIGATION)
)
) 02-cv-0828, 04-cv-1136, 04-cv-1164, 04-cv-1194,
) 04-cv-1254, 04-cv-1937, 04-cv-2022, 04-cv-2035,
) 04-cv-2046, 04-cv-2215, 05-cv-0023, 05-cv-0247,
) 05-cv-0270, 05-cv-0280, 05-cv-0329, 05-cv-0359,
) 05-cv-0392, 05-cv-0492, 05-cv-0520, 05-cv-0526,
) 05-cv-0569, 05-cv-0634, 05-cv-0748, 05-cv-0763,
) 05-cv-0764, 05-cv-0877, 05-cv-0883, 05-cv-0889,
) 05-cv-0892, 05-cv-0993, 05-cv-0994, 05-cv-0998,
) 05-cv-0999, 05-cv-1048, 05-cv-1189, 05-cv-1124,
) 05-cv-1220, 05-cv-1244, 05-cv-1347, 05-cv-1353,
) 05-cv-1429, 05-cv-1457, 05-cv-1458, 05-cv-1487,
) 05-cv-1490, 05-cv-1497, 05-cv-1504, 05-cv-1505,
) 05-cv-1506, 05-cv-1509, 05-cv-1555, 05-cv-1592,
) 05-cv-1601, 05-cv-1602, 05-cv-1607, 05-cv-1623,
) 05-cv-1638, 05-cv-1639, 05-cv-1645, 05-cv-1646,
) 05-cv-1678, 05-cv-1704, 05-cv-1971, 05-cv-1983,
) 05-cv-2010, 05-cv-2088, 05-cv-2104, 05-cv-2185,
) 05-cv-2186, 05-cv-2199, 05-cv-2249, 05-cv-2349,
) 05-cv-2367, 05-cv-2370, 05-cv-2371, 05-cv-2378,
) 05-cv-2379, 05-cv-2380, 05-cv-2381, 05-cv-2384,
) 05-cv-2385, 05-cv-2386, 05-cv-2387, 05-cv-2444,
) 05-cv-2479, 06-cv-0618, 06-cv-1668, 06-cv-1684,
) 06-cv-1690, 06-cv-1758, 06-cv-1759, 06-cv-1761,
) 06-cv-1765, 06-cv-1766, 06-cv-1767, 07-cv-1710,
) 07-cv-2337, 07-cv-2338, 08-cv-0987, 08-cv-1085,
) 08-cv-1101, 08-cv-1104, 08-cv-1153, 08-cv-1185,
) 08-cv-1207, 08-cv-1221, 08-cv-1223, 08-cv-1224,
) 08-cv-1227, 08-cv-1228, 08-cv-1229, 08-cv-1230,
) 08-cv-1231, 08-cv-1232, 08-cv-1233, 08-cv-1235,
) 08-cv-1236, 08-cv-1237, 08-cv-1238, 08-cv-1310,
) 08-cv-1360, 08-cv-1440, 08-cv-1733, 08-cv-1805,
) 08-cv-2083, 08-cv-1828, 08-cv-1923, 08-cv-2019,
) 09-cv-0031
)

RESPONDENTS' RESPONSE TO JOINT MOTION
TO CONTINUE DEADLINE FOR FILING PETITIONERS' RESPONSE
TO GOVERNMENT'S MOTION TO AMEND PROTECTIVE ORDERS
AND COUNSEL ACCESS PROCEDURES

Respondents do not oppose petitioners' Joint Motion to Continue Deadline for Filing Petitioners' Response to Government's Motion to Amend Protective Order and Counsel Access Procedures, Misc. No. 08-442, Mar. 24, 2009 (Dkt. No. 1705) ("Motion to Continue Deadline") on the condition that Petitioners do not invoke the provisions of the Court's Orders of January 15, 2009 and January 30, 2009 in the interim. Petitioners seek an additional 45 days in which to submit a joint response to the Government's Motion to Amend September 11, 2008 Protective Order and Counsel Access Procedures and January 9, 2009 Amended TS/SCI Protective Order and Counsel Access Procedures, Misc. No. 08-442, Mar. 11, 2009 (Dkt. No. 1684) ("Motion to Amend").¹ For the reasons explained in the Motion to Amend and the declarations attached thereto, the regime established by the Court's Orders of January 15, 2009, Misc. No. 08-442, Jan. 15, 2009 (Dkt. No. 1521), and January 30, 2009, Misc. No. 08-442, Jan. 30, 2009 (Dkt. No. 1569) risks unauthorized disclosure of sensitive classified and law enforcement information to Guantanamo Bay detainees. While this regime is in place and petitioners' counsel continue to invoke its provisions to release information to detainees, this risk continues to exist.

By delaying the Court's resolution of respondents' motion, the 45-day extension petitioners seek would effectively extend the period during which petitioners' counsel can seek such disclosures. While respondents do not have an objection to petitioners' request for additional time to submit a response to respondents' motion, petitioners' extension should not operate to expand the opportunity for the improper disclosures the Motion to Amend seeks to prevent in the first instance. Accordingly, if the Court grants

¹As petitioners have indicated they intend to file a consolidated opposition to respondents' Motion to Amend, respondents will submit a single reply in support of the Motion to Amend, responding therein to the consolidated opposition, as well as any other oppositions to the Motion to Amend.

the requested extension, the Court should also stay the effect of its Orders of January 15, 2009 and January 30, 2009.

Dated: April 1, 2009

Respectfully submitted,

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