

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF COLUMBIA

_____)	
IN RE:)	
GUANTANAMO BAY)	Misc. No. 08-442 (TFH)
DETAINEE LITIGATION)	
_____)	
SHARAF AL SANANI,)	
)	
Petitioner,)	
)	
v.)	Civil Action No. 05-2386 (RBW)
)	
BARACK OBAMA,)	
President of the United States, <i>et al.</i> ,)	
)	
Respondents.)	
_____)	

JOINT MOTION TO STAY

The parties, through undersigned counsel, hereby jointly move for a stay of all proceedings in the above captioned case until September 3, 2009. In support of this motion, counsel state the following:

1. On December 21, 2005, a petition for a writ of habeas corpus was filed in this Court on behalf of Mr. Sharaf Al Sanani by Mr. Sami Muhyedin al Hajj, a fellow detainee at the Guantanamo Bay Naval Base in Cuba, acting as Mr. Al Sanani’s next friend. Shortly thereafter, attorneys for Reprieve and Kilpatrick Stockton LLP assumed representation of Mr. Al Sanani.

2. On July 19, 2006, Mr. Al Sanani's brother, Hassan Masood, provided representatives from Reprieve with written "next friend" authorization to seek "whatever redress they believe to be in [Mr. Al Sanani's] best interests." Shortly thereafter, on September 28, 2006, Mr. Al

Sanani's brother also provided Kilpatrick Stockton with written "next friend" authorization to represent Mr. Al Sanani.

3. On July 29, 2008, Judge Hogan ordered counsel – in cases where a detainee's habeas petition was brought by a person acting as the detainee's next friend – to file "a signed authorization from the petitioner to pursue this action or a declaration by counsel that states that the petitioner directly authorized counsel to pursue the action and explains why counsel was unable to secure a signed authorization" within sixty (60) days of the Order. (Order, July 29, 2008 (dkt. no. 524)). Counsel requested an additional 90 days to respond to the Court's Order. On December 29, 2008, the Court issued a Minute Order, granting Mr. Al Sanani's motion and directed that proof of authorization be filed by January 5, 2009. On that day, counsel for Mr. Al Sanani submitted his Response to Court Orders to Provide Evidence of Authorization, which set forth in detail the above facts. (dkt. No. 851).

4. Counsel for Mr. Al Sanani traveled to Guantanamo Bay to meet with Mr. Al Sanani in July 2008 and October 2008. Mr. Al Sanani refused to meet with counsel on both occasions.

5. Although counsel for Mr. Al Sanani believe that Mr. Al Sanani's brother has provided appropriate "next friend" authorization to represent Mr. Al Sanani,¹ counsel intend to return to Guantanamo Bay this summer to attempt to meet with Mr. Al Sanani and obtain his direct authorization of this habeas action.

¹ Respondents do not agree with counsel's assertion that Mr. Masood's written "next friend" authorization provides counsel with appropriate authorization to represent Mr. Al Sanani in this habeas action.

6. The parties agree that it is in their best interest, and will conserve judicial resources, to stay this case for all purposes for 120-days until September 3, 2009, to allow counsel additional time to attempt to meet with Mr. Al Sanani.

7. The parties agree that the Protective Order entered on September 11, 2008 remains in effect during the period of the stay.

8. On September 3, 2009, the parties will submit a joint report to the Court regarding the status of this case.

WHEREFORE the parties respectfully request that this Court grant a stay of all proceedings until September 3, 2009. This request is without prejudice to any request for other or additional relief that may be sought in the future.

Dated: May 1, 2009

/s/ John R. Gibson

A. Stephens Clay
James F. Bogan, III
John R. Gibson
Daniel G. Schulof
KILPATRICK STOCKTON LLP
1100 Peachtree St., Suite 2800
Atlanta, Georgia 30309-4530
Telephone: (404) 815-6500
Facsimile: (404) 815-6555

Counsel for Petitioner

Respectfully submitted,

MICHAEL F. HERTZ
Deputy Assistant Attorney General

TERRY HENRY
Assistant Branch Director

/s/ Kristina A. Wolfe
ANDREW I. WARDEN
PAUL E. AHERN
CHRISTOPHER HARDEE
KRISTINA A. WOLFE

Attorneys
United States Department of Justice
Civil Division, Federal Programs Branch
20 Massachusetts Avenue, N.W.
Washington, D.C. 20530
Tel: (202) 353-4519
Fax: (202) 616-8202

Attorneys for Respondents