

**Warden, Andrew (CIV)**

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**Sent:** Wednesday, May 13, 2009 12:04 AM

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**Subject:** GTMO Review Task Force Motion

**Attachments:** Cumming Decl. -- FINAL.pdf

Dear Counsel:

Tonight Respondents filed a motion for reconsideration of various orders regarding discovery from the Guantanamo Review Task Force. Given the unique circumstances associated with this motion, we are sending this e-mail to you in order to comply with the meet and confer obligations of Local Civil Rule 7 (m). We recognize a post-filing meet and confer is unusual, but a pre-filing conferral would not have been meaningful in light of our inability to share information in the declarations appended to our motion in advance of the filing deadline. Respondents plan to file a supplemental Rule 7(m) statement on Tuesday, May 19. In the interim, please let us know if you consent to the relief sought in the motion or have any questions. We will assume you oppose our motion unless we hear otherwise from you. Because you have not had the opportunity to consider our position in advance of our filing, Respondents will agree and have asked the Court to toll your obligation to respond to our motion during this post-filing meet and conferral period. Therefore, for purposes of calculating your response date, you can consider our motion as filed on May 19, 2009.

Additionally, please find attached the unredacted declaration of FBI Assistant Director Arthur Cummings, filed in support of Respondents' motion. The declaration was filed publicly tonight on ECF with redactions to "protected information" not suitable for filing on the public record. We have designated the information in paragraphs 8 and 11 of the declaration as "protected information" in accordance with the governing protective order in your case (*i.e.*, Judge Hogan's September 11, 2008 Order, Judge Green's Nov. 10, 2004 Order, Judge Hogan's January 1, 2009 Amended Protective Order For Cases Involving TS//SCI Information).

Best regards,

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