

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

IN RE:

**GUANTANAMO BAY
DETAINEE LITIGATION**

Misc. No. 08-0442 (TFH)

Civ. No. 05-2386 (RBW)

**MEMORANDUM OF UNDERSTANDING REGARDING ACCESS TO
CLASSIFIED NATIONAL SECURITY INFORMATION**

Having familiarized myself with the applicable statutes, regulations, and orders related to, but not limited to, unauthorized disclosure of classified information, espionage and related offenses; The Intelligence Identities Protection Act, 50 U.S.C. § 421; 18 U.S.C. § 641; 50 U.S.C. § 783; 28 C.F.R. § 17 *et seq.*; and Executive Order 12958; I understand that I may be the recipient of information and documents that belong to the United States and concern the present and future security of the United States, and that such documents and information together with the methods and sources of collecting it are classified by the United States government. In consideration for the disclosure of classified information and documents:

- (1) I agree that I shall never divulge, publish, or reveal either by word, conduct or any other means, such classified documents and information unless specifically authorized in writing to do so by an authorized representative of the United States government, or as expressly authorized by the Protective Order entered in the United States District Court for the District of Columbia in the above-captioned cases.
- (2) I agree that this Memorandum of Understanding and any other non-disclosure agreement signed by me will remain forever binding on me.
- (3) I have received, read, and understand the Protective Order entered by the United States District Court for the District of Columbia in the above-captioned cases, and I agree to comply with the provisions thereof.

Dated: September 24, 2008
San Francisco, California

Respectfully submitted,

By: /s/ Howard Ross Cabot

Howard Ross Cabot [See LCvR 83.2(g)]
PERKINS COIE BROWN & BAIN P.A.
2901 North Central Avenue, Suite 2000
Phoenix, Arizona 85012-2788
Tel: (602) 351-8235
Fax: (602) 648-7135

By: /s/ James A. Nickovich

James A. Nickovich [See LCvR 83.2(g)]
PERKINS COIE LLP
Four Embarcadero Center, Suite 2400
San Francisco, California 94111-4131
Tel: (415) 344-7084
Fax: (415) 344-7284

Attorneys for Petitioner
Samir Last Name Unknown
a/k/a Mohammed Noor Uthman
ISN 707

ACKNOWLEDGMENT

The undersigned hereby acknowledges that he has read the Protective Order first entered on September 11, 2008, in the United States District Court for the District of Columbia in the consolidated cases captioned In re Guantanamo Bay Detainee Litigation, No. 08-mc-0442, understands its terms, and agrees to be bound by each of those terms. Specifically, and without limitation, the undersigned agrees not to use or disclose any protected information or documents made available to him other than as provided by the Protective Order. The undersigned acknowledges that his duties under the Protective Order shall survive the termination of this case and are permanently binding, and that failure to comply with the terms of the Protective Order may result in the imposition of sanctions by the Court.

DATED: September 24, 2008

By: Howard Ross Cabot

Signed: /s/ Howard Ross Cabot

By: James A. Nickovich

Signed: /s/ James A. Nickovich