

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

**IN RE:**

**GUANTANAMO BAY  
DETAINEE  
LITIGATION**

**Misc. No. 08-442 (TFH)**

**Civil Action No. 05-2386 (RBW)**

**DECLARATION OF A. STEPHENS CLAY IN SUPPORT OF PETITIONER  
SHARAF AL SANANI'S MOTION FOR EXTENSION OF TIME TO PROVIDE  
EVIDENCE OF AUTHORIZATION**

1. My name is A. Stephens Clay. I am over the age of 21, am competent to provide testimony, and have personal knowledge of the facts set forth in this Declaration.

2. I am an attorney licensed to practice law and in good standing in the state of Georgia. I am a partner with the law firm of Kilpatrick Stockton LLP.

3. Together with Reprieve, Kilpatrick Stockton LLP is co-counsel for Sharaf Al Sanani a/k/a Sharaf Ahmad Muhammad Masud (ISN 170) ("Mr. Al Sanani").

4. On July 19, 2006, Hassan Masood, the brother of Mr. Al Sanani, authorized "Clive Stafford Smith, Zachary Katznelson, *Reprieve*, and *Justice in Exile*, and any person or organization assigned by these lawyers, to act on my behalf and my brother's behalf ... to seek whatever redress they believe to be in his best interests, in the courts of the United States, and in any other legal forum available." A true and correct copy of this authorization is attached as Exhibit 1.

5. Subsequent to and in accordance with this authorization, during discussions and e-mail exchanges with attorneys from Reprieve and Kilpatrick Stockton LLP, Hassan Masood expressly authorized Kilpatrick Stockton LLP to serve as co-counsel for Mr. Al Sanani, along with Mr. Katznelson and other attorneys with Reprieve.

6. Attorneys from Kilpatrick Stockton LLP and Reprieve subsequently have spoken with other members of Mr. Al Sanani's family, who also have authorized legal proceedings on his behalf.

7. Attorneys from Reprieve and Kilpatrick Stockton LLP have attempted to meet with Mr. Al Sanani. In late July of this year (but prior to the Court's entry of its July 29 Order), attorneys from Kilpatrick Stockton LLP sought to meet with Mr. Al Sanani during a visit to the base, but were informed that Mr. Al Sanani refused to meet with them.

8. Pending approval from the Department of Defense, attorneys from Kilpatrick Stockton LLP are scheduled to visit the base during the week of October 6-8, 2008. This is the earliest time another visit to Guantanamo could be scheduled in light of Ramadan and the press of other business. We will again seek to meet with Mr. Al Sanani during this case visit.

9. Given that counsel has not yet met with Mr. Al Sanani, and given that facts bearing on Mr. Al Sanani's refusal to meet with counsel presently are being investigated and developed, undersigned counsel respectfully requests a 90 day extension of time to provide evidence of authorization to represent Mr. Al Sanani.

10. Counsel requests this extension without prejudice to proceeding on Mr. Al Sanani's behalf in accordance with the express next friend authorization of Hassan Massood.

I declare under penalty of perjury that the foregoing is true and correct. Executed on September 29, 2008.

/s/ A. Stephens Clay  
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