

Samuel Kauffman

From: Samuel Kauffman
Sent: Tuesday, October 14, 2008 11:32 AM
To: 'scott.marconda@usdoj.gov'
Cc: Bob Weaver; John Rothermich; Heidi Craig
Subject: Al-Mohammed v. Bush, Case No. 05-cv-247 (motion to dismiss defendants)

Dear Scott,

On behalf of Mr. Al-Mohammed, we are willing to consent to the government's motion to dismiss all defendants except Defense Secretary Gates, if the government will stipulate in that motion to the following conditions:

- 1) the Secretary of Defense is a proper respondent;
- 2) the Secretary of Defense is subject to the jurisdiction of the Court;
- 3) the Secretary of Defense has the power and authority to implement any court orders granting the relief requested in Petitioners' complaints including, but not limited to, Petitioners' release and production of documents or any other evidence in the possession or control of the government;
- 4) the government, not limited to the Department of Defense, has an obligation to preserve documents or any other evidence relevant to this litigation;
- 5) the government will not transfer petitioner to the custody of another branch of the U.S. government and should it do so, the government agrees to reinstate the President as the Respondent in this litigation.

Additionally, the government's motion must state that Mr. Al-Mohammed does not agree that the President and Army Commanders are improper respondents. Petitioner will agree to the removal of the President and/or Army Commanders as Respondents without waiving any rights.

Best Regards,
Sam Kauffman



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