

Clarke, George

From: Clarke, George**Sent:** Monday, October 13, 2008 7:35 PM

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Subject: RE: Meet & Confer wrt 08-442 Motion to Dismiss Improper Respondents

We joint that position for our clients in 05-2398 (Hassan (250) and Thabid (289)) and 05-2386 (Al Yafie (34) and Al Bihani (893)) as well.

Best regards,

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From: Powell, Wesley R. [mailto:wpowell@hunton.com]

Sent: Monday, October 13, 2008 7:28 PM

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 Patricia A; Sondgeroth, Douglas; Thomson, Wade A; Lalmalani, Sapna G.; Schwab, Eric
Subject: RE: Meet & Confer wrt 08-442 Motion to Dismiss Improper Respondents

Dear Mr. Marconda,

For our clients in 05-CV-02104 (RBW) and 05-CV-01983 (RMU), we join in the position outlined below.

Best regards,

Wes

Wesley R. Powell

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Subject: RE: Meet & Confer wrt 08-442 Motion to Dismiss Improper Respondents

Mr. Marconda,

Petitioner Musaab Omar Al Madhwani, in the case of *Anam v. Bush*, Case No. 04-1194; Petitioner Jawad Jabbar Sadkhan Al-Sahlani, in the case of *Sadkhan v. Bush*, Case No. 05-1487; Petitioner Saad Al Qahtani, in the case of *Said v. Bush*, Case No. 05-2384; Petitioner Mohammed Zahrani, in the case of *Said v. Bush*, Case No. 05-2384; Petitioner Abdul Rahman Sulaiman, in the case of *Mohammon et al v. Bush*, Case No. 05-2386; and Petitioner Achraf Salim Abdessalam, in the case of *Abdessalam v. Bush*, Case No. 06-1761, are willing to consent to the government's motion 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, in order for the above Petitioners to consent, the government's motion must state that the Petitioners listed above do not agree that the President and Army Commanders are improper respondents. Petitioners agree to the removal of the President and/or Army Commanders as Respondents without waiving any rights.

Sincerely,
Sarah Crane

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