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September 11, 2008

**VIA FAX AND U.S. MAIL**

Ms. Hoda Elemary  
21 Le Conte  
Laguna Niguel, CA 92677

Re: Elemary v. Harbert; CV-07-654  
United States District Court for the District of Columbia

Dear Hoda:

I am in receipt of the document that you sent to me today entitled "Initial Response to Scheduling Order of August 18, 2008." I am assuming that this constitutes your attempt to comply with the Initial Disclosures required by Rule 26 of the Federal Rules of Civil Procedure. I note that your Initial Disclosures are being sent nearly two weeks after the court-imposed deadline for them, and one day after the date by which you promised you would send them to me in response to my letter noting that you had missed the court-imposed deadline.

Your disclosures plainly do not comply with the requirements of Rule 26. In fact, your disclosures are deficient as to the three main categories under that rule:

1. Rule 26(A)(1)(a)(i) requires you to provide "the name and, if known, the address and telephone number of each individual likely to have discoverable information – along with the subjects of that information – that the disclosing party may use to support its claim to defenses, unless the use would be solely for impeachment." While you provide some names in the document you sent me, you make no effort to provide us with the address and telephone number of these individuals. In addition, and more importantly, your list of people with this discoverable information is plainly incomplete. In your submission, you reference "appropriate members of Congress and Middle East Governments with whom plaintiff formerly conducted her business prior to revelation of the bid-rigging of the Cairo Waste Water Project." You have an obligation to provide us the specific names and addresses of these people immediately.
2. Rule 26(A)(1)(a)(ii) requires you to provide "a copy – or a description by category and location – of all documents, electronically stored information, and tangible things that the disclosing party has in its possession, custody, or control and may use to support its claims or defenses, unless the use would be solely for impeachment." As you indicated in your telephone conversation to me this morning, you have not complied with this rule. Although you have sent

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some documents, you concede that you have not sent nor provided a description by category and location of all the documents that the rule requires you to disclose.

3. Rule 26(A)(1)(a)(iii) requires you to provide "a computation of each category of damages claimed by the disposing party – you must also make available for inspection and copying as under Rule 34 the documents or other evidentiary material, unless privileged or protected from disclosure, on which computations base, including materials bearing on the nature and extent of injuries suffered." You have made no effort whatsoever in the document you sent me to comply with this rule.

As I noted above, your Initial Disclosures are already nearly two weeks overdue. You indicated to me in our telephone conversation this morning that you would provide some sort of supplementation by Monday, September 15, 2008. If the matters raised in this letter are not addressed in the materials I receive on Monday, September 15, then I will have no choice but to file a motion to compel with the Court.

If you have any questions, please do not hesitate to contact me.

Very truly yours,



Matthew H. Lembke

MHL:slb

cc: Roger Goldman, Esq.