

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

MUHAMMAD AL-ADAHI, *et al.*,

Petitioners/Plaintiffs,

v.

GEORGE W. BUSH, *et al.*,

Respondents/Defendants.

**Case No. 1: 05-CV-00280 (GK)**

MAJID ABDULLA AL JOUDI, *et al.*,

Petitioners/Plaintiffs,

v.

GEORGE W. BUSH, *et al.*,

Respondents/Defendants.

**Case No. 1: 05-CV-00301 (GK)**

**REPLY MEMORANDUM OF LAW IN SUPPORT OF  
MOTION FOR RECONSIDERATION**

Petitioners submit this memorandum of law to respond briefly to matters raised by Respondents in their opposition to Petitioners' Motion for Reconsideration.

**ARGUMENT**

Contrary to Respondents' contention, Fed. R. Civ. P. 60(b) authorizes the Court to reconsider its order of April 29, 2005 in light of the circumstances presented by Petitioners' motion. *See Computer Professionals for Social Responsibility v. U.S. Secret Service*, 72 F.3d 897, 903 (D.C. Cir. 1996). As Petitioners demonstrated in their opening brief, the circumstances presented here warrant reconsideration.

*First*, Respondents contend that they must remove information “not suitable for disclosure to petitioners’ counsel” from the factual returns, and that this process prevents timely production of the returns. This Court has entered a detailed Protective Order in this case that requires Petitioners’ counsel to adhere to numerous time-consuming and expensive procedures just to view information about their own clients. Petitioners’ counsel should not be denied access to any information regarding Respondents’ purported basis for detaining Petitioners.<sup>1</sup>

*Second*, Respondents again make the claim that their burden is increased by the number of cases (over 75) filed on behalf of detainees at Guantánamo Bay. (Opp. at 4.) Respondents cite a list of cases in which they are required to produce factual returns quickly. Respondents’ argument simply demonstrates their ability to produce the factual returns when ordered. Moreover, Respondents argument is in the abstract. While Respondents claim that factual returns may “range from dozens to hundreds of pages,” (Opp. at 2), Respondents have not said how many pages the factual returns for *these Petitioners* contain. Indeed, they could be a mere handful of pages which would greatly reduce any alleged processing time.

*Third*, Respondents’ cavalier dismissal of the monetary burden of travelling to Guantánamo is inappropriate at best. (See Opp. at 7-8.) Respondents suggest that Petitioners’ counsel could merely postpone their visits to Guantánamo until after the factual returns have been produced in August, thereby continuing to deprive Petitioners – who have been held virtually *incommunicado* for over three years – access

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<sup>1</sup> Contrary to Respondents’ contention, information that “does not support a determination that the detainee is *not* an enemy combatant” (Opp. at 3) may be highly relevant to Petitioners’ claims and therefore should be produced to the Court and counsel.

to counsel. Petitioners should not continue to be denied access to counsel merely because Respondents are dragging their feet and complaining about photocopying a few documents – documents that, this Court will recall, were originally ordered to be produced months ago.

### CONCLUSION

For these reasons, and for the reasons more fully set forth in Petitioners' Motion for Reconsideration, Petitioners respectfully request that this Court order Respondents to produce the factual returns by May 25, 2005.

Dated: May 20, 2005  
New York, New York

Respectfully submitted,

**PAUL, WEISS, RIFKIND, WHARTON &  
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