

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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FAWZI KHALID ABDULLAH))	
FAHAD AL ODAH, <i>et al.</i>,))	
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Petitioners,))	Civil Action No. CV 02-0828 (CKK)
))	
v.))	
))	
UNITED STATES, <i>et al.</i>,))	
))	
Respondents.))	
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**PETITIONERS’ OPPOSITION TO RESPONDENTS’
MOTION TO FILE A SUPPLEMENTAL STATUS REPORT**

Petitioners oppose Respondents’ motion. The obligation imposed on the Respondents by Paragraph 5 of this Court’s Order of April 7, 2009, supplementing the Court’s January 7, 2009 Scheduling Order applies only "to the extent that materials have been collected or otherwise assembled" by the interagency review team. The obligation to produce those materials (except to the extent that they were previously reviewed or produced by Respondents’ counsel in connection with its discovery obligations) is “immediate and ongoing.” Moreover, Respondents can already promptly comply with the immediate part of the obligation. Respondents’ motion, while styled as a motion for leave to file a status report, is in fact a motion to extend Respondents’ immediate deadline, indefinitely.

Respondents claim that “the precise contours of the collection or assembly of materials pursuant to Executive Order 13,492, and, therefore, the extent or timing of searches that would need to be conducted to obtain the materials required by the Court’s Order, are not known.” It should be a simple and quick matter for Respondents to determine whether the interagency review team (which is headed by an official at the Department of Justice) has collected or assembled files for any or all of the Petitioners. If files have already been collected or

assembled, Respondents simply must produce any materials in those files that were not previously reviewed or produced in this case. If Respondents are not willing to undertake even that effort, they can produce the entire file so that Petitioners can determine which materials, if any, have not previously been produced. If on the other hand files have not yet been collected or assembled, then Respondents do not yet have any obligation to do anything. In either event, granting Respondents leave to file a supplemental status report will only further delay these proceedings.

Conclusion

The government's motion for an extension, incorrectly styled as a motion for leave to file a status report, should be denied. The answer to the government's question concerning "the precise contours of the collection or assembly of materials pursuant to Executive Order 13,492" is only a telephone call (or walk down the hall) away. There is no need for Petitioners or the Court to wait two weeks for a report on that answer.

April 13, 2009

Respectfully submitted,

/s/

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