

3. The Order explicitly stays paragraph I.D. which states the due date for the government's disclosure of exculpatory evidence. The disclosure of exculpatory evidence is the triggering event for the due date in paragraph I.G.
4. The Order does not, however, specifically address paragraph I.G. which sets a traverse deadline tied to Respondents' compliance with paragraph I.D..
5. Respondent filed a blanket Notice Pertaining to Production of Exculpatory Information on November 20, 2008, covering 51 habeas docket numbers (dkt. no. 121).
6. It is Petitioner's position that this Notice does not meet the requirements of the CMO and thus does not trigger the traverse due date. See Petitioner's Opposition to Respondents' Motion for Clarification and Reconsideration, dkt. no. 124, n. 9. Petitioner does not, however, seek a ruling on this issue at this time. Rather, in an abundance of caution, Petitioner seeks a stay of paragraph I.G. of the CMO until there is resolution of Respondents' Motion for Reconsideration.
7. Respondents maintain that their Notice of Exculpatory Information meets the requirements of the CMO, but Respondents do not oppose a stay of paragraph I.G. pending the resolution of the Government's Motion for Clarification and Reconsideration of the Court's November 6, 2008 Case Management Order.

WHEREFORE, Petitioner respectfully requests that the Court stay paragraph I.G. of the November 6, 2008 Case Management Order pending the resolution of Respondents' Motion for Clarification and Reconsideration of the Court's November 6, 2008 Case Management Order. A proposed order is attached.

Dated: New York, New York
December 4, 2008

Respectfully submitted,
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_____/s/_____

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