

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

_____)	
FAWZI KHALID ABDULLAH)	
FAHAD AL ODAH, <i>et al.</i>,)	
)	
Petitioners,)	
)	Civil Action No. CV 02-0828 (CKK)
v.)	
)	
UNITED STATES, <i>et al.</i>,)	
)	
Respondents.)	
_____)	

**RESPONDENTS' MOTION TO
FILE A SUPPLEMENTAL STATUS REPORT**

Respondents move to file a supplemental status report regarding their obligations under this Court's April 7, 2009 Order ("Order"), Supplementing the Court's January 7, 2009 Scheduling Order, relating to Executive Order 13,492, 74 Fed. Reg. 4897 (Jan. 22, 2009). *See* Order, Civ. No. 02-828, April 7, 2009 (Dkt. No. 531) at 3. The Court's Order requires that, to the extent materials related to Petitioners have been collected or assembled (or will be collected or assembled) in connection with Section 4(c)(1) of Executive Order 13,492, Respondents will produce those materials to Petitioners' counsel provided that they were not previously reviewed or produced by Respondents' counsel in connection with any of their disclosures and discovery obligations under the Case Management Order, as amended, or the Court's subsequent discovery orders. *Id.* At this time, 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. Respondents are diligently pursuing the issue, however. Therefore, Respondents move the Court to file a

supplemental status report in which to report on their obligations relating to Executive Order 13,492 and how those obligations might effect the schedule set forth in April 10, 2009 joint status report. Respondents request that the time in which to report to the Court on this issue be set for April 24, 2009.¹

CONCLUSION

Respondents respectfully request to file a supplemental status report regarding their obligations under this Court's Order to produce materials relating to Petitioners that have been (or will be) collected or otherwise assembled in connection with Section 4(c)(1) of Executive Order 13,492. Respondents request that the time in which to report to the Court on this issue be set for April 24, 2009.

Dated: April 10, 2009

Respectfully submitted,

MICHAEL F. HERTZ
Acting Assistant Attorney General

/s/ Sarah E. Maloney
TERRY M. HENRY
ANDREW I. WARDEN
PAUL E. AHERN
TIMOTHY B. WALTHALL
SARAH E. MALONEY
Attorneys
United States Department of Justice
Civil Division, Federal Programs Branch
20 Massachusetts Avenue, N.W.
Washington, DC 20530
Tel: (202) 305-4193
Fax: (202) 305-2685

¹ In accordance with Local Rule 7(m), Respondents conferred with Petitioners' counsel regarding this motion. Petitioners' counsel opposes the relief sought.

Attorneys for Respondents
**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

)	
FAWZI KHALID ABDULLAH)	
FAHAD AL ODAH, <i>et al.</i>,)	
)	
Petitioners,)	
)	Civil Action No. CV 02-0828 (CKK)
v.)	
)	
UNITED STATES, <i>et al.</i>,)	
)	
Respondents.)	
)	

[PROPOSED] ORDER

The Court, having fully considered Respondents’ Motion to File a Supplemental Status Report, hereby **ORDERS** that the Motion be **GRANTED**.

Respondents will have through and including Friday, April 24, 2009, in which to file a supplemental status report regarding their obligations under this Court’s April 7, 2009 Order to produce materials relating to Petitioners that have been (or will be) collected or otherwise assembled in connection with Section 4(c)(1) of Executive Order 13,492.

SO ORDERED

Date:

COLLEEN KOLLAR-KOTELLY
United States District Judge