

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

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IN RE:	)	
GUANTANAMO BAY	)	Misc. No. 08-442 (TFH)
DETAINEE LITIGATION	)	
_____	)	
HAMID AL RAZAK <i>et. al.</i> ,	)	
	)	
Petitioners,	)	
	)	Civil Action No. 05-1601 (GK)
v.	)	
	)	
GEORGE W. BUSH, <i>et. al.</i> ,	)	
	)	
Defendants.	)	
_____	)	

**RESPONDENTS’ OPPOSITION TO PETITIONERS’ MOTION FOR A STATUS CONFERENCE**

Respondents submit this response to Petitioners’ November 26, 2008 Motion for a Status Conference to Consider Scheduling Issues, Dkt. No. 136 in 05-cv-1601. Petitioners move the Court to schedule a status conference to discuss this Court’s November 17, 2008 Case Management Order, Dkt. No. 129, and the related November 21, 2008 Order of Judge Hogan staying many of the deadlines and obligations set forth in the consolidated Case Management Order (the “CMO”), Dkt. No. 1026 in 08-mc-442. *See* Pet’r’s Mot., Dkt. No. 136 at 1. Petitioners also seek entry of an Order directing the parties to comply with this Court’s November 17, 2008 Case Management Order, as well as Judge Hogan’s November 21, 2008 Order staying many of the deadlines and obligations set forth in the CMO. *Id.* Respondents oppose Petitioners’ motion because such issues, or related issues, are currently pending before

Judge Hogan in connection with Respondents' s Motion for Clarification and Reconsideration of the November 6, 2008 Case Management Order and Supplemental Amended Orders or, in the Alternative, Motion for Certification for Appeal Pursuant to 28 U.S.C. § 1292(b) and to Stay Certain Obligations Pending Resolution of the Motion and any Appeal. *See* Dkt. No. 1004 in 08-mc-442.

On November 6, 2008, in accordance with the July 1, 2008 Resolution of the Executive Session, Judge Hogan issued a Case Management Order providing a general procedural framework for litigation in this case, along with 112 other habeas cases involving nearly 200 enemy combatants challenging their continued detention in the wake of *Boumediene v. Bush*, 128 S. Ct. 2229 (2008).<sup>1</sup> Respondents subsequently filed its motion for clarification and reconsideration, and in response, Judge Hogan stayed, in this and other cases, the deadlines imposed by paragraphs I.C, I.D, I.E, I.F, II.B, II.C, and III.A of the CMO – including deadlines for filing unclassified returns and for providing discovery and exculpatory evidence – pending resolution of Respondents' motion. *See* Order, Dkt. No. 1026 in 08-mc-442. Judge Hogan also scheduled a hearing on the matter for December 10, 2008. *See* Order, Dkt. No. 1158 in 08-mc-442. Thus, the common scheduling and discovery issues, or related issues, Petitioners wish to discuss at their proposed status conference are currently being considered by Judge Hogan. These issues remain within the purview of Judge Hogan's coordination and management function pending adjudication of Respondents' motion. Accordingly, a separate status conference in this case to discuss such issues, at a minimum, is premature prior to resolution of

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<sup>1</sup>This Court adopted the Case Management Order, which certain modifications, on November 17, 2008. *See* Order, Dkt. No. 129 at 1.

Respondents' motion and the lifting of the November 21, 2008 stay. For these same reasons, this Court should not order the parties to file status reports on these scheduling and discovery issues. Petitioners' Motion for a Status Conference, therefore, should be denied.

Dated: December 9, 2008

Respectfully submitted,

GREGORY G. KATSAS  
Assistant Attorney General

JOHN C. O'QUINN  
Deputy Assistant Attorney General

      /s/ Kristina A. Wolfe        
JOSEPH H. HUNT (D.C. Bar No. 431134)  
VINCENT M. GARVEY (D.C. Bar No. 127191)  
TERRY M. HENRY  
PAUL E. AHERN  
KRISTINA A. WOLFE  
Attorneys  
United States Department of Justice  
Civil Division, Federal Programs Branch  
20 Massachusetts Ave., N.W.  
Washington, DC 20530  
Tel: (202) 353-4519  
Attorneys for Respondents