

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

AHCENE ZEMIRI,

Petitioner,

v.

BARACK H. OBAMA, President of the
United States, *et al.*,

Respondents.

Civil Action No. 04-2046 (CKK)

ORDER
(June 19, 2009)

The Court held a conference call on the record with counsel for both parties on June 19, 2009. For the reasons stated on the record, it is, this 19th day of June, 2009, hereby

ORDERED that the Court shall set alternative schedules in connection with Petitioner's Merits Hearing. Counsel are expected to remain available to comply with either schedule until it is later determined which of the two schedules shall be followed; it is further

ORDERED that, if Petitioner decides not testify or Courtroom 15 is available for his testimony, Petitioner's Merits Hearing shall be scheduled for August 24, 2009, at 9:30 A.M., to continue on August 25, 2009, at 9:30 A.M., if necessary. In connection with this hearing, the record for the Court's consideration shall consist of all evidence identified in the parties' respective Witness and Exhibit Lists and Petitioner's testimony if he decides to testify. Motions for leave to amend the parties' respective Witness and Exhibit Lists, Respondents' Statement of Facts, or the underlying Factual Return and Traverse, must be filed no later than August 17, 2009. The parties are on notice that any evidence that has not been identified in the Witness and Exhibit Lists and disclosed to opposing counsel on or before August 17, 2009, may be excluded from consideration by the Court. The only two exceptions to the August 17, 2009 deadline shall

be (1) documents offered solely for the rebuttal of arguments made at the Merits Hearing that could not reasonably have been anticipated prior to August 17, 2009, or (2) exculpatory information, as to which Respondents have a continuing obligation to disclose to Petitioners. Finally, the parties shall confer and submit to the Court all stipulations on which the parties have agreed, no later than August 10, 2009; and it is further

ORDERED that, if Petitioner decides to testify and Courtroom 15 is unavailable the week of August 24, 2009, Petitioner's Merits Hearing shall be scheduled for September 9, 2009, at 9:30 A.M., to continue on September 10, 2009, at 9:30 A.M., if necessary. In connection with this hearing, the record for the Court's consideration shall consist of all evidence identified in the parties' respective Witness and Exhibit Lists and Petitioner's testimony if he decides to testify. Motions for leave to amend the parties' respective Witness and Exhibit Lists, Respondents' Statement of Facts, or the underlying Factual Return and Traverse, must be filed no later than September 2, 2009. The parties are on notice that any evidence that has not been identified in the Witness and Exhibit Lists and disclosed to opposing counsel on or before September 2, 2009, may be excluded from consideration by the Court. The only two exceptions to the September 2, 2009 deadline shall be (1) documents offered solely for the rebuttal of arguments made at the Merits Hearing that could not reasonably have been anticipated prior to September 2, 2009, or (2) exculpatory information, as to which Respondents have a continuing obligation to disclose to Petitioners. Finally, the parties shall confer and submit to the Court all stipulations on which the parties have agreed, no later than August 26, 2009.

SO ORDERED.

/s/
COLLEEN KOLLAR-KOTELLY
United States District Judge