

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

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|-----------------------------------|---|------------------------------|
| MOHAMMED AL-ADAH, <u>et al.</u> , | : |                              |
|                                   | : |                              |
| Petitioners,                      | : |                              |
|                                   | : |                              |
| v.                                | : | Civil Action No. 05-280 (GK) |
|                                   | : |                              |
| GEORGE W. BUSH, <u>et al.</u> ,   | : |                              |
|                                   | : |                              |
| Respondents.                      | : |                              |

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ORDER

Upon consideration of the issuance of this Court's Case Management Order #2, and the fact that a Motions Hearing is scheduled in this case on March 25, 2009, it is hereby

**ORDERED**, that a status conference be scheduled for January 13, 2009, at 10:00 a.m.; and it is further

**ORDERED**, that parties are to submit by January 8, 2009 at 4:00 p.m., a joint praecipe that covers the following issues:

- 1) **Consolidation** - Pursuant to the Order of Judge Thomas Hogan issued on December 17, 2008 (Dkt. No. 220), indicate whether this case, or any of its individual Petitioners, can be consolidated with cases of any other detainee;
- 2) **Discovery** - Whether any discovery has been requested pursuant to Section I.E.1 of this Court's November 13, 2008 Case Management Order #1 (Dkt. No. 201), and if so, on what date it was requested, and the status of discovery efforts in response to that request? If such

disclosure has not been requested, do Petitioners anticipate that it will be?

3) **Exculpatory Evidence** - Has exculpatory evidence been filed by the Government, with appropriate certification and notice, as provided for in this Court's CMO #1 and Judge Hogan's Order amending his November 6, 2008 CMO (Dkt. No. 219)?

4) **Conflicts of Interest** - Have Petitioners' counsel checked to ensure that they have no conflicts with regard to representation of other petitioners in Guantanamo Bay cases?<sup>1</sup>

5) **Hearsay** - Do Petitioners or the Government plan to submit motions to admit or exclude hearsay?

6) **Classified Information** - Has all relevant classified information been provided to Petitioners' counsel, pursuant to I.C. of this Court's CMO #1? To what extent do parties anticipate that there will be CIPA litigation prior to the hearing set for March 25, 2009?

7) Any other issues that the parties wish to discuss; and it is further

**ORDERED**, that the Government will submit a detailed statement of facts on or before January 12, 2009, at 12:00 p.m., presenting in numerical form, a short statement of each material fact upon

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<sup>1</sup> The Court would note its concern that Petitioners' counsel may also represent Shergawi Al-Hajj in a case before Judge Walton.

which the Government intends to rely in proving its case-in-chief, and it shall identify all evidence it expects to elicit in support of those facts, including the names of any witnesses the Government intends to call. If the Government intends to rely on any statements in proving its case-in-chief, it shall disclose in its statement of facts: (1) the identity of the speaker; (2) the content of the statement; (3) the person(s) to whom the statement was made; (4) the date and time the statement was made or adopted; and (5) the circumstances under which such statement was made or adopted (including the location where the statement was made). If the Government cannot identify the original source or any later source of the information, it must so indicate. If the Government intends to rely on any documents (including 302 reports), the documents shall be produced to Petitioners' counsel along with the statement of facts, unless such documents were already produced, and the relevant portions of the documents shall be identified (by page and paragraph number) if the Government does not intend to rely on the entire document.

|                   |                              |
|-------------------|------------------------------|
|                   | /s/                          |
| December 29, 2008 | Gladys Kessler               |
|                   | United States District Judge |

Copies to: Attorneys of Record via ECF