

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

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ALL ALI BIN ALI AHMED,	:	
<u>et al.</u> ,	:	
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Petitioners,	:	
	:	
v.	:	Civil Action No. 05-1678 (GK)
	:	
GEORGE W. BUSH, <u>et al.</u> ,	:	
	:	
Respondents.	:	

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ORDER

A Status Conference was held in this case on January 15, 2009, which was open to the public. Upon consideration of the representations of the parties, and the entire record herein, it is hereby

**ORDERED**, that parties are to submit any briefing in support of their view of the appropriate definition of "enemy combatant" by **January 28, 2009**; and it is further

**ORDERED**, that if Petitioners choose to submit a Motion for Additional Discovery, they shall do so by **January 21, 2009**. Respondents shall file their response by **February 3, 2009**. Petitioner shall file their reply, if any, by **February 6, 2009**.

**ORDERED**, that **within one week** of the date of this Order, Petitioners shall provide Respondents with a realistic list that prioritizes the exculpatory evidence they are requesting. By **January 30, 2009**, Respondents will inform Petitioners as to whether those requests can be satisfied; and it is further

**ORDERED**, that parties shall meet and confer to narrow the universe of facts that Petitioners will request to be de-classified. **Within one week** of the date of this Order, Petitioners shall provide Respondents with a realistic list that prioritizes those factual issues which Petitioners request to be de-classified. **Within five business days** of receiving that list, Respondents will inform Petitioners as to whether those requests can be satisfied. If either Petitioner is not satisfied by Respondent's reply, he will file a Motion to Compel as soon as possible. Respondents will have **five business days** to respond to the Motion. Filings shall be limited to 10 pages or less; and it is further

**ORDERED**, that Respondents will submit a detailed statement of facts on or before **February 3, 2009**, presenting in numerical form, a short statement of each material fact upon which Respondents intend to rely in proving their case-in-chief, and they shall identify all evidence they expect to elicit in support of those facts, including the names of any witnesses the Respondents intend to call. If Respondents intend to rely on any statements in proving their case-in-chief, they shall disclose in their 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 Respondents cannot identify the original source or any later source

of the information, they must so indicate. If Respondents intend 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 Respondents do not intend to rely on the entire document. Respondents may include in this statement facts that were not included in the Factual Return; and it is further

**ORDERED**, that Petitioners shall file their Traverses by **February 27, 2009**; and it is further

**ORDERED**, that parties shall file dispositive motions by **March 20, 2009**. Oppositions will be due by **March 27, 2009**; and it is further

**ORDERED**, that a Motions Hearing on the dispositive motions will take place on **April 14, 2009 at 10:00 a.m.** The Hearing will be held in Courtroom 26A, and will be closed to the public so that classified matters can be discussed. At that hearing, Respondents will have **30 minutes** to present their case, Petitioner will have **30 minutes** to respond, and Respondents will be allowed **15 minutes** to reply.

**ORDERED**, that a further Status Conference shall be held in this case on **February 10, 2009, at 10:00 a.m.**

\_\_\_\_\_/s/  
January 21, 2009 Gladys Kessler  
United States District Judge  
Copies to: Attorneys of Record via ECF