

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

DJAMEL AMEZIANE,)
)
)
 Petitioner,)
)
 v.) **Civil Action No. 05-cv-392 (ESH)**
)
 GEORGE W. BUSH *et al.*,)
)
 Defendants.)

YASIN MUHAMMED BASARDH,)
)
)
 Petitioner,)
)
 v.) **Civil Action No. 05-cv-889 (ESH)**
)
 GEORGE W. BUSH *et al.*,)
)
 Defendants.)

HAYAL AZIZ AHMED AL-MITHALI,)
)
)
 Petitioner,)
)
 v.) **Civil Action No. 05-cv-2186 (ESH)**
)
 GEORGE W. BUSH *et al.*,)
)
 Defendants.)

ORDER

Upon consideration of the parties' November 17, 2008 Joint Status Report, and for the reasons stated in open court during the status hearing in the above-captioned actions held on November 24, 2008, it is hereby **ORDERED**:

1. Unclassified Factual Returns:

The government shall file an unclassified version of each factual return it has filed in the above-captioned actions on or before December 12, 2008. Petitioner Barsardh's unclassified factual return shall be filed under seal pending further order of the Court.

2. Discovery:

The government shall file on or before December 15, 2008, a statement of facts upon which it intends to rely in making its case-in-chief and it shall identify all evidence it expects to elicit in support of those facts. If the government intends to rely on any statements, it shall disclose on or before December 15, 2008: (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 petitioner's counsel by December 15, 2008, and the relevant portions of the documents shall be identified if the government does not intend to rely on the entire document. No other automatic discovery obligations under Judge Hogan's November 6, 2008 Case Management Order ("CMO") shall apply at this time.

3. Exculpatory Evidence:

The government shall disclose on or before December 15, 2008, all reasonably available evidence in its possession or any evidence within its actual knowledge that

- tends to materially undermine the evidence that the government intends to rely on in its case-in-chief, including any evidence or information that undercuts the reliability and/or credibility of the government's evidence, (*i.e.*, such as evidence that casts doubt on a speaker's credibility, evidence that undermines the reliability of a witness's identification of the petitioner, or evidence that indicates a statement is unreliable because it is the product of abuse, torture, or mental or physical incapacity). No other exculpatory evidence disclosure obligation under ¶ I.D.1 of Judge Hogan's CMO shall apply at this time.
4. On or before December 17, 2008, if petitioners have identified any other discovery that they seek, they shall file a motion pursuant to ¶ I.E.2 of Judge Hogan's CMO.
 5. The next status hearing is scheduled for December 18, 2008, at 9:30 a.m. in Courtroom 14. Any further discovery requests will be addressed at that time.
 6. Petitioners will be expected to file traverses and/or motions for summary judgment on or before January 21, 2009.
 7. The parties shall be prepared to adjudicate case no. 05-cv-2186 on February 2, 2009.
 8. The parties shall be prepared to adjudicate case no. 05-cv-392 on March 3, 2009.
 9. Issues relating to ¶¶ I.F, II.A – II.C, and III.A – III.B of Judge Hogan's CMO will be held in abeyance pending further order of Judge Hogan or this Court.

SO ORDERED.

/s/
ELLEN SEGAL HUVELLE
United States District Judge

Date: December 2, 2008