

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

**FAWZI KHALID ABDULLAH FAHAD AL ODAH,** )  
*et al.,* )  
**Plaintiffs,** )  
) )  
**v.** ) **No. CV 02-0828 (CKK)**  
) )  
**UNITED STATES OF AMERICA, et al.,** )  
) )  
**Defendants.** )  
) )

**JOINT MOTION TO APPLY THE “AMENDED PROTECTIVE ORDER AND  
PROCEDURES FOR COUNSEL ACCESS TO DETAINEES” ENTERED BY JUDGE  
GREEN ON NOVEMBER 8, 2004, TO ALL THE DETAINEES IN THE ABOVE-  
CAPTIONED CASE AND FOR EXPEDITED CONSIDERATION**

On November 8, 2004, Judge Green entered an “Amended Protective Order and Procedures for Counsel Access to Detainees at the United States Naval Base in Guantanamo Bay, Cuba” (“Protective Order”). That Protective Order excepted from its terms three detainees—Mohammed Ahmed Al Kandari, Fawzi Khalid Abdullah Fahad al Odah, and Khalid Abdullah Mishal al Mutairi—whose access to counsel was the subject of this Court’s ruling of October 20, 2004, which imposed certain conditions that differ from the protective order. The government and petitioners hereby move to have the terms of the Protective Order apply to all the detainees in the above-captioned case, including the three detainees discussed in the October 20 ruling, except that with respect to ¶¶ 29 and 38 of the protective order, counsel for the al Odah petitioners may not share information pertaining to the three detainees discussed in the October 20 ruling with counsel for petitioners in the other coordinated cases, unless counsel receives prior express permission to do so from respondents’ counsel or from the Court. The parties agree that applying the Protective Order would eliminate numerous logistical problems for both the government and petitioners’ counsel arising from having different procedures apply only to

those three detainees. Petitioners' counsel seek expedited consideration of this motion in order to facilitate their review of the classified returns filed in these cases and to prepare for their upcoming meetings with petitioners in Guantanamo Bay; counsel for the government does not oppose such expedited consideration.

Respectfully submitted,

/s/

Thomas B. Wilner (D.C. Bar #173807)  
Neil H. Koslowe (D.C. Bar #361792)  
Kristine A. Huskey (D.C. Bar #462979)  
Jared A. Goldstein (D.C. Bar #478572)  
SHEARMAN & STERLING LLP  
801 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004  
Telephone: (202) 508-8000  
Facsimile: (202) 508-8100

*Attorneys for Al Odah Petitioners*

/s/

Joseph H. Hunt (D.C. Bar No. 431134)  
Vincent M. Garvey (D.C. Bar No. 127191)  
Terry M. Henry  
Lisa A. Olson  
James J. Schwarz  
Preeya M. Noronha  
Robert J. Katerberg  
Andrew I. Warden  
Nicholas J. Patterson

Attorneys  
United States Department of Justice  
Civil Division, Federal Programs Branch  
20 Massachusetts Ave., N.W., Room 7144  
Washington, DC 20530  
Telephone: (202) 514-4107  
Facsimile: (202) 616-8470

*Attorneys for Respondents*

Dated: November 17, 2004