

NO. 9 NO. 357 P. 2 P. 5  
JUL 11 2003  
CLERK, U.S. DISTRICT COURT  
ALEXANDRIA, VIRGINIA  
JCSO (JF)

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IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF VIRGINIA  
Alexandria Division

UNITED STATES )

v. )

ZACARIAS MOUSSAOUI )

Crim. No. 01-455-A

UNOPPOSED MOTION FOR ADOPTION OF PLEADING  
SCHEDULE TO RESPOND TO DOCKET NUMBERS [REDACTED]

The United States respectfully requests that the Court adopt a pleading schedule to

address the defendant's *pro se* motions [REDACTED]

[REDACTED] We propose a procedure in which the defense first proffers its required showing of the materiality of the putative witnesses, then the United States responds, and, finally, the defense replies to the Government's response. We propose that such pleading be done in order, and not simultaneously. In addition, there is additional discovery [REDACTED]

[REDACTED] that should be summarized and submitted to the Court under CIPA § 4.

Under the Court's Order of July 7, 2003, the parties will be required simultaneously to file briefs in support of and in opposition to the motions docketed [REDACTED]. The Government respectfully submits that our proposed approach to briefing both will enhance the parties' ability to present their positions to the Court clearly and coherently and will aid the Court in receiving the information necessary to rule on the pending motions. With simultaneous filings, the Government cannot know exactly what claims of materiality the defense may make [REDACTED]

[REDACTED] As a result, without hearing from the defense first, the Government cannot fully respond to a bare request [REDACTED]. The Government would not be

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able to make any tailored presentation addressing the claims of materiality that the defense raises to explain the need [REDACTED] nor could the Government know whether there may be some alternative to proving the points highlighted by the defense - alternatives that could potentially obviate the need [REDACTED]. Similarly, the defense would not be able to respond to the Government's presentation if only one round of simultaneous briefs is permitted. The Court, moreover, will likely not be substantially aided by simultaneous briefs that address disparate topics and fail to join issue on the same claims of materiality supporting a need [REDACTED]. For the Court to receive a coherent set of views from the adversary parties presenting all the information necessary for the Court to rule, a more traditional round of pleading would be beneficial.

We propose the following schedule:

July 14, 2003 - Govt. to submit CIPA § 4 material to Court

July 23, 2003 - Defense filing in support due

July 29, 2003 - Govt. opposition due

August 1, 2003 - Defense reply due

In short, we seek an orderly process for dealing with the questions [REDACTED]

[REDACTED] Such a process will permit a more complete record for the Court to make its rulings and will permit appellate review if appropriate.

The procedure proposed here will apply solely to the motions [REDACTED]

[REDACTED] and will not affect the Government's response to the Court's order of January 31, 2003.

In accordance with the Court's July 7 Order, the Government will respond to the Court on July

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14, 2003, to inform the Court whether the Government will comply with the January 31st Order.

Standby counsel join in our request for the pleading schedule outlined above only because of our representation that there is additional information [REDACTED] that should be submitted to the Court under CIPA § 4.

Respectfully submitted,

Paul J. McNulty  
United States Attorney

By: 181  
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Assistant U.S. Attorneys

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