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December 10, 2008

VIA ECF FILING

The Honorable Owen M. Panner
U.S. District Judge
U.S. District Court for the District of Oregon
310 West Sixth Street, Room 201
Medford, OR 97501

Re: CHLQ v. Mukasey, 08-3095 (D. Or.)

Dear Judge Panner:

I write in response to Don Marmaduke's December 9 letter to the Court, in which Mr. Marmaduke contends that various of Defendants' responses to Plaintiffs' Interrogatories and Requests for Admission are inadequate.

The government takes the position that Plaintiffs' new discovery issues have been prematurely presented to the Court because they were presented before the government had a meaningful opportunity to meet and confer regarding them. Mr. Marmaduke raised these issues with Defendants on Sunday, December 7, and was advised early the next morning that Defendants were preparing their witness statements and exhibits (the Court should receive the exhibits today) but would provide a response on Tuesday, December 9. On the afternoon of that day, Defendants further advised Mr. Marmaduke that a response was forthcoming it would not likely be finalized with DEA officials by that evening. Rather than wait to receive the promised response, Mr. Marmaduke instead placed the full range of issues before the Court. The government believes that once that response is delivered and the parties have conferred, the issues may be substantially narrowed or resolved entirely. Defendants respectfully request, therefore, that the Court hold those issues in abeyance until the parties have had a meaningful opportunity to confer.

Respectfully submitted,

A handwritten signature in black ink, appearing to be "BJB", written over a horizontal line.

Brigham J. Bowen