Exhibit A

Sharon McGowan

From: Sharon McGowan
Sent: Friday, October 20, 2006 5:52 PM
To: 'Russell, Beverly (USADC)'
Cc: jdou@loc.gov; Ken Choe; Art Spitzer (E-mail)
Subject: RE: discovery

Dear Beverly,

While Plaintiff does not object to your dropping a defense, it does not seem necessary to amend your answer in order to do so. Rather, we could file a motion to strike the defense, or the government could simply decide not to pursue the defense. Are there other amendments to the answer that are at issue here?

As for rescheduling the Preece deposition, if the week of November 13th is an option, that would work well with our schedules. Otherwise, if you can let me know dates during the week of November 27th and December 18th, we should be able to find a date that is mutually convenient. With respect to another outstanding discovery issue, I also wanted to confirm that December 22nd works for our experts as the deadline for rebuttal reports on non-security related issues.

Finally, as for informing the Court that we are expanding the discovery period, I would propose that we postpone sending a letter to the Court until closer to the December 15th deadline, as we may have a better sense of whether January 12th is a realistic cut-off date or whether we will need a little more time. Let me know if you agree.

Thanks,
Sharon

Sharon M. McGowan
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-----Original Message-----
From: Russell, Beverly (USADC) [mailto:Beverly.Russell@usdoj.gov]
Sent: Thursday, October 19, 2006 12:18 PM
To: Sharon McGowan
Cc: jdou@loc.gov; Ken Choe
Subject: RE: discovery

Sharon,

Two things. First, defendant is filing a motion for leave to amend its answer along with the amended answer, and I need to know your position on the motion for leave to amend. Specifically, defendant is

deleting the defense that plaintiff failed to satisfy national security requirements.

Second, a response to plaintiff's discovery requests will take longer than I initially anticipated so it looks like Ms. Preece's deposition will have to be rescheduled. I'll get back to you on her availability during the last week of November. Also, let me know if there are other timeframes which you want us to consider for depositions.

Thanks.

Beverly

From: Sharon McGowan [mailto:SMcGowan@aclu.org]
Sent: Monday, October 16, 2006 4:14 PM
To: Russell, Beverly (USADC)
Cc: jdou@loc.gov; Ken Choe
Subject: RE: discovery

Dear Beverly,

In light of your e-mail below, I am fine with scheduling Ms. Preece's deposition for 11/8 at 9am. I just need to confirm with my Wilmer colleagues that there is space available, but I do not suspect that it will be a problem. As for Ms. Alkisswani's deposition, I will need to schedule that for the following week (Nov. 13-17), so please let me know the date(s) on which you and she would be available.

Thanks,
Sharon

> -----Original Message-----
> **From:** Russell, Beverly (USADC) [mailto:Beverly.Russell@usdoj.gov]
> **Sent:** Monday, October 16, 2006 3:48 PM
> **To:** Sharon McGowan
> **Cc:** jdou@loc.gov
> **Subject:** RE: discovery
>
> Actually, there has been a slight modification. We do intend to respond to plaintiff's second set of discovery before the end of the month. Accordingly, if for whatever reason you're unable to take Ms. Alkisswani's deposition on 11/7, can you still take Ms. Preece's deposition on 11/8. That is a convenient date for Ms. Preece.
>
> ---
>
> **From:** Sharon McGowan [mailto:SMcGowan@aclu.org]
> **Sent:** Monday, October 16, 2006 3:41 PM
> **To:** Russell, Beverly (USADC)
> **Subject:** RE: discovery
>
> Great. And, as for the deposition on October 25th, the court reporter has asked me for the name of the deponent - thanks to google, I came up with Dr. Sandra M. Charles, MD (assuming that she will be the deponent). Is that right?
>
> And for the Wilmer security folks, will your entourage be the same as last time -- i.e., you, Julia Douds, Evelio Rubiella and Jessie James?
>
> Thanks,
> Sharon

-----Original Message-----
From: Russell, Beverly (USADC) [mailto:Beverly.Russell@usdoj.gov]
Sent: Monday, October 16, 2006 3:14 PM
To: Sharon McGowan
Cc: jdou@loc.gov; Ken Choe; Art Spitzer (E-mail)
Subject: RE: discovery

Sharon --

I have no objection to any of the proposed deadline modifications noted in your e-mail below. I will follow-up with you on the availability of Ms. Preece and Ms. Alkisswani during the week of November 13.

Beverly M. Russell
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From: Sharon McGowan [mailto:SMcGowan@aclu.org]
Sent: Monday, October 16, 2006 2:39 PM
To: Russell, Beverly (USADC)
Cc: jdou@loc.gov; Ken Choe; Art Spitzer (E-mail)
Subject: RE: discovery

Dear Beverly,

Plaintiff does not object to your request for an extension until Nov. 6 to provide expert reports on non-security related issues. Due to the Thanksgiving holiday and commitments in other cases, however, I would not be able to provide our reports in rebuttal to Defendant's expert reports until December 22nd at the earliest, and may need until early January 2007, depending on the schedules of Plaintiff's experts during the holiday season.

In light of these scheduling concerns regarding the non-security experts, and due to the fact that the scheduling of the supplemental Rule 30(b)(6) deposition has resulted in deadlines for the national security expert reports that may necessitate depositions after the December 15th deadline, I would suggest that we return to my original proposed cut-off date for discovery, which was January 12, 2007, or a date shortly thereafter. I would suggest that we keep the same general structure for post-discovery briefing (e.g., motions for summary judgment due 60 days after the close of discovery), but have those dates flow from the new discovery cut-off date upon which we agree.

I will get back to you shortly about the deadline for Plaintiff's expert reports in rebuttal, but am interested to hear what you think about my proposal to enlarge the period within which discovery must be completed.

I am also interested in your response to my e-mail from October 11th regarding the

scheduling of the depositions of Ms. Preece and Ms. Alkisswani. As I noted in my e-mail, I would prefer to schedule the depositions of these witnesses after receiving Defendant's responses to the discovery served by Plaintiff on October 4th. In light of the adjustment to the expert report schedule, I would be available any day during the week of November 13-17, and would propose scheduling the depositions on two consecutive days during that week.

Sincerely,
Sharon

Sharon M. McGowan
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-----Original Message-----
From: Russell, Beverly (USADC) [mailto:Beverly.Russell@usdoj.gov]
Sent: Monday, October 16, 2006 10:42 AM
To: Sharon McGowan
Cc: jdou@loc.gov; Ken Choe; Art Spitzer (E-mail)
Subject: RE: discovery

Sharon,

Defendant's expert reports unrelated to the security issues are due today, October 16, 2006. Please let me know your client's position on a three week extension (i.e., to November 6) to provide those reports. Thanks.

Beverly

Sharon McGowan

From: Sharon McGowan
Sent: Monday, November 20, 2006 12:55 PM
To: 'Russell, Beverly (USADC)'
Cc: jdou@loc.gov; Ken Choe; Art Spitzer (E-mail); James Esseks
Subject: deposition scheduling

Dear Beverly,

January 11th would work well for us for Ms. Preece's deposition. I will contact the folks at Wilmer about a conference room.

I have spoken with Ms. Schroer, and she is not available during the week of December 18th. The relevant people on our team would all be available for a deposition of Ms. Schroer on January 23-26th. During that period, my preference would be January 24th if that date would work well for you. Please let me know.

Thank you,
Sharon

Sharon M. McGowan
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Lesbian Gay Bisexual Transgender Project
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-----Original Message-----
From: Russell, Beverly (USADC) [mailto:Beverly.Russell@usdoj.gov]
Sent: Wednesday, November 15, 2006 10:35 AM
To: Sharon McGowan
Cc: jdou@loc.gov; Ken Choe; Art Spitzer (E-mail)
Subject: RE: Preece deposition notice

Ms. Preece is available January 10, 11 and 12.

From: Sharon McGowan [mailto:SMcGowan@aclu.org]
Sent: Tuesday, November 14, 2006 11:28 AM
To: Russell, Beverly (USADC)
Cc: jdou@loc.gov; Ken Choe; Art Spitzer (E-mail)
Subject: RE: Preece deposition notice

December 15th is fine for the deposition of Ms. Alkisswani - I will just need to call the folks at Wilmer to confirm that we have a conference room. I will talk to Diane about her availability during the week of December 18th. As for Charlotte Preece, can you please let me know dates in early January that you and she are available?

-----Original Message-----
From: Russell, Beverly (USADC) [mailto:Beverly.Russell@usdoj.gov]
Sent: Tuesday, November 14, 2006 11:00 AM
To: Sharon McGowan
Cc: jdou@loc.gov; Ken Choe; Art Spitzer (E-mail)
Subject: RE: Preece deposition notice

Sharon,

It turns out that Charlotte Preece is unavailable during the week of December 18 so you might have to take her deposition after the New Year. Bessie Alkiswani is available on December 15 for deposition.

Also, please let me know if Ms. Schroer is available for deposition during the week of December 18. Thanks.

Beverly M. Russell
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Civil Division
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