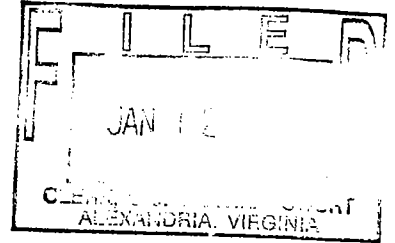


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

Alexandria Division



JANE DOE, et. al.,)
)
Plaintiffs,)
V.)
)
YUSUF ABDI ALI,)
)
Defendant.)

Civil Action No. 1:04-CV-1361

RULE 16(B) SCHEDULING ORDER

1. Upon consideration of the representations made by counsel at the Rule 16(b) Conference, the Court makes the following rulings:

a. The Rule 26(f) report annexed to this Order, is approved and shall control discovery to the extent of its application unless modified by the Court.

b. Each defendant who has not yet appeared shall make Rule 26(a)(1) disclosures within eleven days after responding to the Complaint, and all other parties who have then appeared shall make their disclosures to such defendant within that period.

c. Any motion to amend the pleadings or to join a party shall be made as soon as possible after counsel becomes aware of the grounds for the motion.

d. Unless the parties submit a consent order under Local Rule 26(d)(1) within five (5) days, expert discovery shall be governed by Local Rule 26(d)(2-4).

2. *Sealing of Documents*: Filings under seal are disfavored and discouraged. See *Ashcraft, et. al., v. Conoco, Inc.*, 218 F.3d 288, 302 (4th Cir. 2000). Any motion to file documents under seal, including a motion for entry of a protective order containing provisions for filing documents under seal, must be docketed for a hearing or made in open court. The motion must state sufficient facts supporting the action sought, and each proposed order must include specific findings. See *Ashcraft, supra*, and Local Civil Rule 5.

3. All motions, except for summary judgment, shall be noticed for hearing on the earliest possible Friday before the pretrial conference. Ten working days' notice is required for motions to dismiss, for summary judgment, for patent claim construction, and for judgment on the pleadings. Non-dispositive motions must be filed and delivered by the Friday before the Friday for which noticed, with responses due not later than the Wednesday before the hearing.

4. Without leave of Court, all Fed. R. Civ. P. 12 issues shall be raised in one pleading. Similarly, unless Court permission is obtained in advance, all summary judgment issues must be presented in the same pleading.

5. All motions must adhere to the page limits set in Local Rule 7(E) (3). No pleading shall be in type less than ten (10) pitch or twelve (12) point.

6. Depositions, interrogatories, requests for documents and admissions and answers thereto shall not be filed except on Order of the Court, or for use in any motion, or at trial.

7. In non-jury cases, counsel shall file with the clerk at the beginning of trial, written proposed findings of fact and conclusions of law. In jury cases, instructions shall be filed five (5) days prior to trial in accordance with Local Rule 51. Violation of this rule will constitute a waiver of objections to any instructions given.



Barry R. Poretz
United States Magistrate Judge

Date: January 12, 2005
Alexandria, Virginia
Enclosure

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

ALEXANDRIA DIVISION

JANE DOE and
JOHN DOE

Plaintiffs,

v.

YUSUF ABDI ALI,

Defendant.

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Civil Action No. 1:04 CV 1361 (LMB/BRP)

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[Signature]

JOINT DISCOVERY PLAN

Plaintiffs and the Defendant Yusuf Abdi Ali submit the following joint discovery plan in accordance with the Court's order dated December 23, 2004.

1. Rule 26(f) Conference

Pursuant to the Court's order, counsel for the parties conferred on January 6, 2005, regarding the matters set forth in Fed. R. Civ. P. 26(f) and to discuss the nature of their claims and defenses. The parties have agreed to exchange initial disclosures pursuant to Fed. R. Civ. P. 26(a)(1) on January 14, 2005.

2. Discovery Subjects

Plaintiffs will seek discovery of persons knowledgeable about the events that are the subject of this action, and about the Defendant's knowledge of alleged human rights abuses committed by himself or by persons under his control. Plaintiffs already have sought third-party discovery from the United States Department of State, the Defense Intelligence Agency, the Department of Defense and the Central Intelligence Agency. None of these governmental entities have responded to these discovery requests.

Defendant will seek discovery of the factual basis for Plaintiffs' allegations in their Complaint.

3. Depositions

In light of the complexity of this action and the Defendant's knowledge of discoverable information, Plaintiffs request leave to take the Defendant's deposition for up to 14 hours.

Depending on the parties' initial disclosures and the course of discovery, the parties may seek leave of Court to depose more than five non-party, non-expert witnesses.

The parties foresee that some deponents may require the assistance of a translator, and the parties agree that for those depositions the time limitations imposed by the rules may be doubled.

Plaintiffs reside in Somalia. Counsel for the Plaintiffs will use their best efforts to arrange for Plaintiffs to appear for deposition in the United States. Presently, Plaintiffs' counsel anticipate that they will arrange for these Plaintiffs to travel to the United States to be deposed as soon as reasonably possible, and Plaintiffs acknowledge Defendant's right to conduct any follow-up discovery that may be appropriate in light of Plaintiffs' testimony. Consequently, if the Plaintiffs cannot be available for deposition until late in the discovery period for any reason (such as logistical difficulties of travel between Somalia and the United States), the parties may need to extend discovery deadlines to permit Defendant to conduct such follow-up discovery.

4. Discovery Deadlines

Discovery shall be completed by April 15, 2005, pursuant to the Court's order. The parties also propose the following schedule for expert discovery:

- Exchange of initial expert reports – March 21, 2005
- Exchange of rebuttal expert reports – April 8, 2005


- Expert depositions – April 11 – April 15, 2005

Given the logistical difficulties involved in this case, including travel from and to Somalia, the parties recognize that they may need to seek extension of some of these deadlines, but only as may be required after diligent efforts to comply with the existing deadlines.

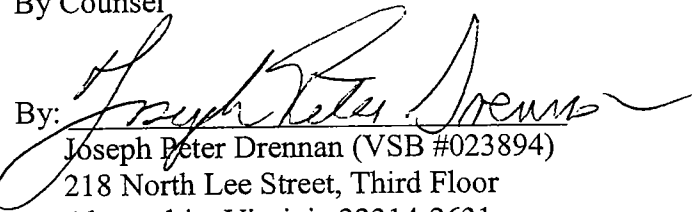
Respectfully submitted

Dated: January 7, 2005

JANE DOE and
JOHN DOE
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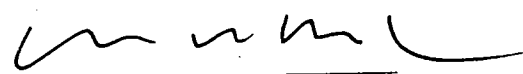
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SO ORDERED:

Date

1/12/05


Barry R. Poretz
United States Magistrate Judge

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