



counsel for the parties met and conferred telephonically to discuss, among other things, Ali's responses to Plaintiffs' written discovery. During this conversation, counsel for Ali agreed to serve responses by Monday, February 21, 2005. This agreed date was confirmed via electronic mail communications between counsel for the parties exchanged on February 15 and 16. Copies are attached as Exhibit C.

The February 21<sup>st</sup> response date having come and gone, on February 22, 2005, counsel for defendant said that the responses would be delivered by noon on Friday, February 25, 2005. *See* electronic mail attached as Exhibit D. However, on February 25 no such responses were forthcoming. Counsel for Plaintiffs have received no further communications from counsel for defendant regarding these responses, neither seeking additional time within which to respond nor indicating when such responses can be expected.

#### **ARGUMENT**

Plaintiffs' counsel has given the defendant sufficient time to answer these straightforward interrogatories and document requests. Defendant simply has not answered or responded. The deadline for such responses was a month ago, but Plaintiffs have yet to receive the responses and at present have no indication when they might be forthcoming.

In light of the impending discovery cut-off, which, pursuant to the Court's Order, is April 15, 2005, Plaintiffs have no choice but to request the Court's assistance in procuring the discovery it needs to prosecute this matter. The Court should rule that defendant shall (1) provide full and complete answers to the interrogatories by March 15, 2005, (2) produce all non-privileged documents responsive to the document requests by March 15, 2005; and (3) produce a privilege log for all privileged documents withheld by March 15, 2005. *See* Rule 37 of the Federal Rules of Civil Procedure. The Court should also award Plaintiffs their costs and

expenses, including attorney's fees, that they incurred in connection with this Motion to Compel because defendant's failure to respond to Plaintiffs' discovery requests is not substantially justified. *Id.*

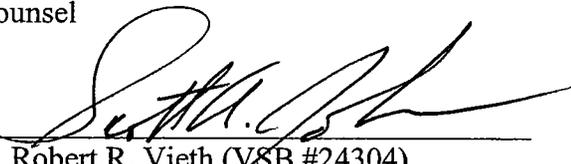
### CONCLUSION

For these reasons, the Court should grant Plaintiffs' Motion to Compel.

Dated: March 4, 2005

JANE DOE and  
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By Counsel

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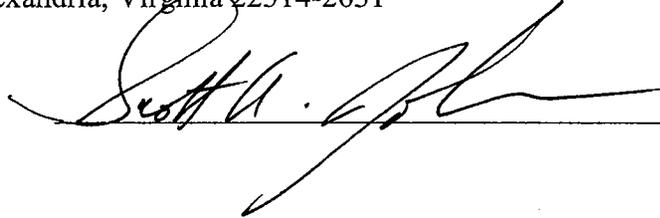
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**CERTIFICATE OF SERVICE**

I hereby certify, this 4th day of March, 2005, that a true copy of the foregoing was transmitted by electronic mail and U.S. mail to the following counsel of record:

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A handwritten signature in black ink, appearing to read "Scott A. Drennan", is written over a horizontal line. The signature is stylized and cursive.