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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WASHINGTON
AT SPOKANE

JAMES ELMER MITCHELL and
JOHN "BRUCE" JESSEN,

Petitioners,

vs.

UNITED STATES OF AMERICA,

Respondent.

NO. 16-MC-00036-JLQ

(PROPOSED) ORDER ON
PETITIONERS' MOTION FOR
RECONSIDERATION OF
COURT'S OCTOBER 4, 2016
ORDER RE: MOTION TO
COMPEL [ECF No. 31]

Without Oral Argument
November 18, 2016
Expedited Hearing Requested

ORDER ON PETITIONERS' MOTION
FOR RECONSIDERATION
NO. 16-MC-00036-JLQ

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Mines
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Suite 1400
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Related Case:

SULEIMAN ABDULLAH SALIM, et
al.,

Plaintiffs,

vs.

JAMES E. MITCHELL and JOHN
JESSEN,

Defendants.

NO. CV-15-0286-JLQ

The Court, pursuant to Petitioners' Drs. James Mitchell and John "Bruce" Jessen's ("Defendants") Motion for Reconsideration of the Court's October 4, 2016, *Order re: Motion to Compel* [ECF No. 31], hereby ORDERS:

Defendants' Motion for Reconsideration is GRANTED.

The October 4, 2016, *Order re: Motion to Compel* is modified as follows:

1. The Government must produce documents generated between September 11, 2001, and the present concerning one or both Defendants' role in the "design" or implementation of the CIA's Enhanced Interrogation Technique Program (the "Program"), but unrelated to the plaintiffs in the Salim, et al. v. Mitchell, et al., 15-286-JLQ action, within ten (10) days of this Order; however, the Government does not need to produce documents relating to the Program's implementation to the extent that they pertain to a particular detainee;

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- 2. The Government must produce documents referencing the decision to use enhanced interrogation techniques Abu Zubaydah generated between September 2001 and August 2004 that do not mention Defendants within ten (10) days of this Order; however, the Government does not need to produce substantive intelligence reports concerning Zubaydah; and
- 3. The Government must produce all post-2004 contracts between Defendants and the Government within ten (10) days of this Order.

DATED this ____ day of _____, 2016.

Honorable Justin L. Quackenbush