

**MILITARY COMMISSIONS TRIAL JUDICIARY
GUANTANAMO BAY, CUBA**

UNITED STATES OF AMERICA**v.****ABD AL HADI AL-IRAQI****AE 015E****SCHEDULING ORDER****15 September 2014**

1. On 9 July 2014, the Commission issued an order (AE 015) setting an initial trial schedule for this case including deadlines for both evidentiary and law motions. On 23 July 2014, the Commission issued an amended scheduling order (AE 015C) extending the law motions deadline to 1 October 2014 at the Defense's request (AE 015A) with no objection from the Government (AE 015B).

2. The Commission finds Counsel have had adequate time since referral to contemplate law motions applicable to this case. The Commission is also mindful, in all litigation, that decisions involving the relevance and usefulness of filing certain motions and deferring others is an evolving process, and motions appropriate for the Defense to file may not yet be apparent or appropriate at this early stage of the case. However, this evolution of motions practice in shaping the case pretrial must have limits, grounded in pragmatic considerations of moving the case toward an eventual trial date. Accordingly, the following trial schedule is **ORDERED**:

a. Law Motions:

(1) The first set of law motions, including purely legal pretrial issues and systemic challenges, are due to the Commission and opposing counsel NLT 17 October 2014. The second set of law motions are due to the Commission and opposing counsel NLT 26 November 2014. Responses to those motions are due 14 days after filing. Replies to those responses are due 7 days after receipt of the response.

(2) Counsel are encouraged to act in good faith with regard to submitting motions, by staggering and filing motions with the Commission as they are completed, rather than waiting until the deadlines to submit a compendium of motions all at once.

(3) To assist counsel in meeting the Commission's deadlines, the parties shall submit to the Commission no later than 1 October 2014 an *ex parte*, under seal filing setting forth a schedule for anticipated motions to be filed between the date of this order and the 17 October 2014, and 26 November 2014 deadlines. This schedule will bind the parties to their self-imposed deadlines, but does not limit the parties from filing new motions, the necessity or wisdom of which may become apparent after the 1 October 2014 *ex parte*, under seal filing.¹

(4) If a party will require additional time beyond 26 November 2014 to file purely legal pretrial and systemic challenges, the party will submit a motion to extend the 26 November 2014 deadline NLT 17 October 2014. The motion will provide a detailed explanation in support of the request.

(5) The parties shall submit to the Commission no later than 5 November 2014 an *ex parte*, under seal filing setting forth a schedule of remaining law motions to be filed no later than 26 November 2014. This schedule will bind the parties to their self-imposed deadlines, but does not limit the parties from filing new motions, the necessity or wisdom of which may become apparent after 26 November 2014.

(6) During the hearings scheduled for 17 – 21 November 2014, oral argument will be heard on the first set of law motions. Additionally, future scheduling milestones will be discussed. The parties are encouraged to discuss potential scheduling milestones ahead of time

¹ See MODEL RULES OF PROF'L CONDUCT R. 3.2 (2013).

and provide notice of their proposed milestones to the Commission and the opposing parties

NLT 12 November 2014.

b. **Evidentiary Motions:** The Commission will determine the deadline for evidentiary motions at a later date. The previously ordered deadline of 10 October 2014 is rescinded in accordance with paragraph 3 below.

c. Future milestones will be scheduled at the appropriate time.

3. This order rescinds previous deadlines set for law and evidentiary motions.

4. It is hereby **ORDERED** future proceedings in this case will occur as follows:

a. 17-21 November 2014;

b. 26-30 January 2015;

c. 23-27 March 2015;

d. 25-29 May 2015; and,

e. 20-31 July 2015.

5. Delay in the assembly of this commission and trial of this case is excluded in accordance with R.M.C. 707(b)(4)(E)(i) and R.M.C. 707(c) as the resolution of the issues that require the delay outweighs the interests of the public and the accused in a prompt trial.

So **ORDERED** this 15th day of September, 2014.

//s//
J. K. WAITS
CAPT, JAGC, USN
Military Judge