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TIMOTHY B. FLEMING
OF COUNSEL

December 2, 2021

The Honorable Sarah Netburn
UNITED STATES MAGISTRATE JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
Thurgood Marshall U.S. Courthouse
40 Foley Square
New York, NY 10007-1312

Re: *In re: Terrorist Attacks on September 11, 2001*, 03-md-01570 (GBD)(SN)
Havlish, et al. v. bin Laden, et al., 1:03-cv-9848 (GBD)(FM)
Response to the Ashton Plaintiffs' letter in regard to U.S. Government's request
for extension of time to file its Statement of Interest

Dear Magistrate Judge Netburn:

I write in response to the *Ashton* Plaintiffs' letter opposing the *Havlish* Plaintiffs' position that any additional time for the Government to file its Statement of Interest in this case be limited to December 28, 2021.

By their own admission, the *Ashton* Plaintiffs have no standing in this judgment enforcement proceeding, which concerns the *Havlish* Plaintiffs' legal right to enforce their final, enforceable money judgment against Taliban assets at the Federal Reserve Bank of New York. The *Ashton* Plaintiffs concede they do not have a final, enforceable judgment. In fact, as they also concede, many of them do not even have claims against the Taliban. Simply stated, the *Ashton* Plaintiffs are not parties to this enforcement proceeding and have no standing to be heard.

Furthermore, the Government has appeared in this proceeding and has filed a number of letters addressing its concerns and its requests relating to time periods for filing its Statement of Interest. Yet, notwithstanding the Government's own statements to the Court, the *Ashton* Plaintiffs now presume to speak for the Government by interjecting their speculations about what the Government needs and the reasons why the Government has those speculative needs.

The Court should disregard the suggestions and speculations of non-parties about how to manage this proceeding. If the *Ashton* Plaintiffs ever do obtain final, enforceable judgments against the Taliban, the *Havlish* Plaintiffs will be prepared to address the priority of those claims at that time.

The Honorable Sarah Netburn

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Respectfully,

A handwritten signature in black ink, reading "Timothy B. Fleming". The signature is written in a cursive style with a large, stylized "T" and "F".

Timothy B. Fleming
For the Havlish Judgment Holders

cc: All Counsel of Record via ECF