

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

UNITED STATES OF AMERICA,)	Case No. 1:99 CV 1193
)	
Plaintiff,)	Judge Dan Aaron Polster
)	
vs.)	<u>SCHEDULING ORDER</u>
)	
JOHN DEMJANJUK,)	
)	
Defendant.)	

On July 19, 2011, Defendant John Demjanjuk filed a Motion Pursuant to Fed. R. Civ. P. 60(b)(6) and 60(d)(1), (3), to set aside the judgment of denaturalization for Demjanjuk with prejudice. (**Doc #: 219.**) As the basis for this motion, Demjanjuk cites, among other things,

- the Government’s failure to turn over a recently declassified March 4, 1985 FBI memorandum concluding that “the principal evidence against Mr. Demjanjuk is “quite likely fabricated” by the KGB;
- the Government has still not disclosed any classified materials to any defense lawyer or court despite the fact that litigants routinely handle classified materials per the Classified Information Procedures Act;
- the Government this past spring revealed to defense counsel docs from a file in the Cleveland FBI office that it claimed it never reviewed before;
- the Government’s storage of documents at the Nat’l Archives in Maryland includes hundreds of “withdrawal slips” where an “apparently relevant documents were originally located.

(See generally Doc #: 221.)

Citing the Government’s history of failing to disclose vital information as to Demjanjuk’s defense, Demjanjuk asks the Court to:

- (1) issue an order scheduling briefing on this motion;
- (2) schedule the matter for oral argument;
- (3) authorize further discovery and order a factual hearing to complete the record; and
- (4) upon conclusion of the above, set aside the denaturalization judgment.

(Id. at 6.)

The Court hereby **GRANTS** the motion for an order scheduling briefing on this motion. Accordingly, the Government shall file a response memorandum no later than 4:00 p.m. on Friday, August 19, 2011, and Demjanjuk shall file a reply memorandum no later than 4:00 p.m. on Friday, September 2, 2011.

The Court **HOLDS IN ABEYANCE** Demjanjuk's other requests.

IT IS SO ORDERED.

/s/ Dan A. Polster July 20, 2011
Dan Aaron Polster
United States District Judge