

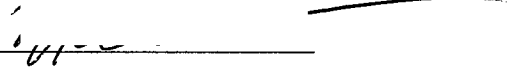
possibility that the parties may not be able to resolve on their own a handful of discovery disagreements. In the event that the meet and confer discussions do not produce a

resolution, the parties may be forced to request this Court to intervene.

The Scheduling Order specifies that discovery other than depositions and Rule 3.24(a)(4) discovery closes on December 19, 2008. The bulk of non-deposition discovery has been completed, and the parties have agreed to continue to finalize

Dated December 19, 2008

Respectfully submitted,

By:  _____

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Complaint Counsel

CERTIFICATE OF SERVICE

I hereby certify that on December 19, 2008, I filed via hand an original and two copies of the foregoing Complaint Counsel's Second Status Report with:

Donald S. Clark, Secretary
Office of the Secretary

600 Pennsylvania Avenue, N.W., Rm. H-159
Washington, D.C. 20580

I also certify that on December 19, 2008, I delivered via hand two copies of the foregoing to:

The Honorable D. Michael Chappell
Chief Administrative Law Judge
600 Pennsylvania Ave., N.W.
Washington, D.C. 20580

I also certify that on December 19, 2008, I delivered via electronic mail to: