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Federal Judge Blasts CAIR’s “Inability to Efficiently Manage their Discovery” and Denies Motion to Extend Discovery in “*Muslim Mafia*” Case

Washington, D.C. (February 12, 2013) — Last Friday, Federal Judge Colleen Kollar-Kotelly, sitting in the United States District Court for the District of Columbia, denied the Council on American-Islamic Relations’ (CAIR) motion to extend discovery in the American Freedom Law Center’s defense of the Center for Security Policy (CSP) and several of its employees, who were sued by CAIR for conducting an undercover documentary designed to expose the Islamic organization's corrupt activities.

Following the reasoning argued by AFLC Co-Founder and Senior Counsel David Yerushalmi in an opposition brief that was filed on behalf of all defendants, Judge Kollar-Kotelly denied CAIR’s request to depose two non-party witnesses in the case, ruling that the request was untimely, without cause, and would “not only disrupt the Court’s management of its docket, but would also prejudice Defendants by necessarily stunting mediation efforts and delaying the potential resolution of this matter through dispositive motions.”

The Court, however, went even further and scolded CAIR and its in-house legal counsel for their “inability to efficiently manage their discovery in this matter and to comply with the Court’s Scheduling and Procedures Order.” As the Court pointed out, even CAIR’s motion seeking more time for discovery was itself untimely and substantively deficient.

Yerushalmi, who is the lead counsel for all defendants, commented: “Not only did CAIR’s substantively deficient motion violate the Court’s orders in several pertinent respects; it was a blatant and patently false presentation of the discovery record in this case. Indeed, this misrepresentation is just a part of CAIR’s pattern of taking a troubling and seemingly abusive approach to civil litigation. Accordingly, Judge Kollar-Kotelly’s ruling demonstrates that the

Court is aware of CAIR's unprofessional tactics, which in turn speaks to the failure of CAIR to meet its burden of proof and provide any probative evidence of wrongdoing by any of the defendants.”

In 2008, Dave Gaubatz, an experienced federal investigator, was hired as an independent contractor to assist with a field research documentary. As part of this research, Dave Gaubatz trained his son, Chris Gaubatz, to work undercover as an intern with CAIR, which required Chris to wear an audio-video recorder on his clothing to obtain recordings of the routine activities of a CAIR intern. During this internship, it became clear that both a major fraud occurred within the organization and that CAIR officials were attempting to cover it up.

Subsequently, Dave Gaubatz published a book entitled, *Muslim Mafia: Inside the Secret Underworld that's Conspiring to Islamize America*, which was an exposé on CAIR. Shortly after the book was published, CAIR filed a lawsuit in federal court in Washington, D.C., against Dave and Chris Gaubatz. CAIR then amended its lawsuit to add CSP and several of its employees, who were involved in the production of the documentary. CAIR's lawsuit alleges violations of various federal wiretap and hacking statutes as well as several common law torts, such as breach of fiduciary duty and trespass, among others.

In its motion to extend the discovery period, which had been ongoing for over thirteen months, CAIR requested to depose Mr. Paul Sperry, David Gaubatz's co-author of the book, and World Net Daily, which published the book.

Yerushalmi commented: “This litigation has been ongoing since October 2009. As such, there is nothing to be gained and much to be lost by re-opening and extending discovery. This case is ripe for summary judgment.”

The Court agreed with AFLC's brief, denied CAIR's motion, and will soon set a schedule for motions that could bring this case to a close by ruling in favor of Defendants and exposing CAIR as the center of a Muslim Brotherhood, mafia-like organization.

CAIR, a self-described Muslim public interest law firm, was previously named as a Muslim Brotherhood-Hamas front group by the FBI and the U.S. Attorney's Office in the federal criminal trial and conviction of a terrorist funding cell organized around one of the largest Muslim charities, the Holy Land Foundation (HLF). HLF raised funds for violent jihad on behalf of Hamas, and top CAIR officials were part of the conspiracy. In addition, several of CAIR's top executives have been convicted of terror-related crimes. As a result, the FBI publicly announced that it has terminated any outreach activities with the national organization,

which bills itself as “America's largest Muslim civil liberties and advocacy organization.”

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