

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

HAROLD WEISBERG,

Plaintiff

-v-

UNITED STATES GENERAL SERVICES
ADMINISTRATION,

Defendant

Civil Action No. 2052-73

DEFENDANT'S MOTION TO DISMISS OR,
IN THE ALTERNATIVE, FOR SUMMARY JUDGMENT

Defendant, by its attorney, the United States Attorney for the District of Columbia, respectfully moves the Court to dismiss the instant action for lack of jurisdiction over the subject matter and for failure to state a claim upon which relief can be granted. Rule 12(b)(1) and (6), Federal Rules of Civil Procedure.

In the alternative, defendant respectfully moves the Court for summary judgment in defendant's favor on the ground that there is no genuine issue as to any material fact and defendant is entitled to judgment as a matter of law. Rule 56, Federal Rules of Civil Procedure.

In support of its motion, defendant submits herewith a statement of material facts as to which there is no genuine issue, a memorandum of points and authorities, and the affidavit of James B. Rhoads, Archivist of the United States, National Archives and Records Service, General Services Administration (Government

Exhibit 1). Also incorporated herein, made a part hereof by reference and filed simultaneously with this motion, are Dr. Rhoad's answers to plaintiff's interrogatories.

EARL J. SILBERT
United States Attorney

ARNOLD T. AIKENS
Assistant United States Attorney

MICHAEL J. RYAN
Assistant United States Attorney

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that service of the foregoing has been made upon plaintiff by mailing a copy thereof to his attorney, James H. Lesar, Esquire, 1231 Fourth Street, S.W., Washington, D. C. 20024 on this 13th day of February, 1974.

MICHAEL J. RYAN
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