

FEB 22 1974

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

.....
: HAROLD WEISBERG,
:

Plaintiff
Plaintiff
:

v.
:

Civil Action No. 2052-73
:

UNITED STATES GENERAL SERVICES
ADMINISTRATION,
:

Defendant
:
:
.....

PLAINTIFF'S MOTION FOR EXTENSION OF TIME
WITHIN WHICH TO OPPOSE DEFENDANT'S MOTION
TO DISMISS OR FOR SUMMARY JUDGMENT

Plaintiff respectfully moves the Court pursuant to Rule 6(b)(1) of the Federal Rules of Civil Procedure for an extension of time to March 12, 1974, within which to oppose the defendant's Motion to Dismiss or for Summary Judgment.

In support of this motion, plaintiff submits herewith a Memorandum of Points and Authorities.

JAMES HIRAM LESAR
1231 Fourth Street, S. W.
Washington, D. C. 20024
Attorney for Plaintiff

if he can obtain gasoline, he hopes to be able to make this trip to Frederick on February 22, 1974.

Plaintiff regrets this delay and will endeavor to file his opposition to the defendant's motion at the earliest possible date. Plaintiff feels constrained to point out that on January 3, 1974, the day after the defendant's answers to plaintiff's interrogatories were due, plaintiff's attorney orally agreed to an extension of time until January 14, 1974, the date on which the defendant's Answer was also due. On January 14 the defendant parlayed the extension stipulated to by plaintiff's counsel into a court-granted further extension, citing as grounds a "delay in the preparation and transmittal of materials necessary for the preparation of such a motion" experienced by "the agency involved". Plaintiff notes, however, that the affidavit sworn to by Dr. Rhoads and submitted as Exhibit 1 to the Answer is dated January 10, 1974. Similarly, the answers to plaintiff's interrogatories were sworn to by Dr. Rhoads on January 16, 1974. Had the defendant served the answers to the interrogatories on plaintiff at the time they were sworn to instead of waiting until the last possible day, February 13, 1974, the extension of time requested herein would be unnecessary.

JAMES HIRAM LESAR
1231 Fourth Street, S. W.
Washington, D. C. 20024
Attorney for Plaintiff

CERTIFICATE OF SERVICE

This is to certify that service of the foregoing Motion for Extension of Time and the Memorandum of Points and Authorities and

proposed Order attached thereto has been made upon the defendant by mailing a copy thereof to its attorney, Assistant United States Attorney Michael J. Ryan, United States Courthouse, Room 3421, Washington, D. C. 20001, on this 22nd day of February, 1974.

JAMES HIRAM LESAR

UNITED STATES DISTRICT COURT
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Plaintiff

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Civil Action No. 2052-73

UNITED STATES GENERAL SERVICES
ADMINISTRATION,

Defendant

ORDER

Upon consideration of Plaintiff's Motion for Extension of Time Within Which to Oppose Defendant's Motion to Dismiss or for Summary Judgment and the entire record herein, it is by the Court this _____ day of _____, 1974,

ORDERED that the Plaintiff's time to oppose Defendant's Motion to Dismiss or, in the alternative, For Summary Judgment, be and hereby is extended to March 12, 1974.

UNITED STATES DISTRICT JUDGE