

4/24/78

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

HAROLD WEISBERG,
Plaintiff,

v.

GENERAL SERVICES ADMINISTRATION,
Defendant.

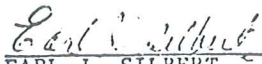
Civil Action No. 75-1448

DEFENDANT'S OPPOSITION TO PLAINTIFF'S
MOTION FOR NEW TRIAL

Defendant, by its attorney, the United States Attorney for the District of Columbia, respectfully opposes plaintiff's motion for new trial, and states as follows:

On March 31, 1978, the United States Court of Appeals for this Circuit indicated that material presented to that Court by plaintiff in his reply brief should have been presented in the first instance to the District Court. Plaintiff now seeks by a motion for new trial to reopen this matter on the basis of hearsay material which, in addition to irrelevancy, in no way derogates from this Court's previous orders, or the affidavits of Mr. Charles I. Briggs, Chief, Information and Services Staff, Directorate of Operations, CIA. Specifically, plaintiff relies on information in two books and the newspaper to challenge the veracity of Mr. Briggs' affidavits. Clearly, however, in addition to their unsworn, double hearsay nature, these materials do not represent CIA position or that of any other Government agency. Such "evidence" cannot create an issue of fact when placed alongside the first-hand, sworn testimony of Mr. Briggs.

Wherefore, it is respectfully requested that plaintiff's motion for new trial pursuant to Rule 60(b) of the Federal Rules of Civil Procedure be denied.


EARL J. SILBERT
United States Attorney

Robert N. Ford
ROBERT N. FORD
Assistant United States Attorney

Michael J. Ryan
MICHAEL J. RYAN
Assistant United States Attorney

BY: PATRICIA J. KENNEY,
Special Assistant U.S. Attorney

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that service of the foregoing defendant's opposition to plaintiff's motion for new trial and proposed order has been made upon plaintiff by mailing a copy thereof to counsel for plaintiff, James Hiram Lesar, Esquire, 910 16th Street, N.W., Suite 600, Washington, D.C., 20006, on this 24th day of April, 1978.

Michael J. Ryan
MICHAEL J. RYAN
Assistant United States Attorney
U.S. Courthouse
Room 3421
Washington, D.C. 20001
(202) 426-7375

BY: PATRICIA J. KENNEY,
Special Assistant U.S. Attorney

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ORDER

Upon consideration of plaintiff's motion for new trial, defendant's opposition thereto, and the entire record herein, it is by the Court this ____ day of _____, 1978

ORDERED that plaintiff's motion for new trial be and the same hereby is denied.

UNITED STATES DISTRICT JUDGE