

10/16/79

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

HAROLD WEISBERG,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 75-1448
	)	
GENERAL SERVICE	)	
ADMINISTRATION,	)	
	)	
Defendant.	)	
_____	)	

RENEWED MOTION FOR A PROTECTIVE ORDER  
AND TO QUASH SUBPOENAS ISSUED SUBSEQUENT  
TO FILING THE MOTION FOR A PROTECTIVE ORDER  
AND REQUEST TO SET AN EMERGENCY HEARING ON  
THE MOTIONS ON OCTOBER 16, 1979

On September 24, 1979, defendant filed a motion for a protective order to preclude the taking of the depositions of Messrs. Rhoads, Briggs, Owen and Dooley and to preclude the production of documents. Plaintiff opposed the motion in a pleading filed on October 9, 1979 and, despite the pendency of a motion for a protective order, renewed all the depositions and caused this Court's subpoenas to be issued to the parties whom plaintiff seeks to depose and to agency counsel at defendant GSA.

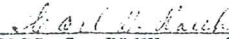
Due to the fact that the individuals subpoenaed now risk non-compliance with Orders of this Court should they fail to appear for depositions, the defendant is compelled to renew its initial motion for a protective order and request that the subpoenas be quashed for the same reasons given in the defendant's September 24, 1979 memorandum in support of the motion for a protective order.


Additionally, if the Court were to deny the protective order, it is unclear at this time whether the agency--if required--could locate all responsive documents and produce, or object to the production of, documents in the expansive requests initially made by the plaintiff in a pleading and more recently made by plaintiff

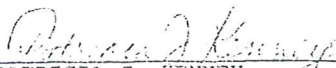
in attachments to the subpoenas. While the defendant strenuously objects to any discovery being taken, the defendant also notes that at the very minimum, if the Court deems discovery is appropriate, a rescheduling of plaintiff's timetable may be necessary.

The undersigned will be in Dallas, Texas from October 11, 1979 to and including October 15, 1979. A memorandum in support is attached.

Respectfully submitted,

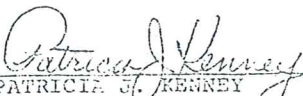
  
\_\_\_\_\_  
CARL S. RAUH  
United States Attorney

  
\_\_\_\_\_  
ROYCE C. LAMBERTH  
Assistant United States Attorney

  
\_\_\_\_\_  
PATRICIA J. KENNEY  
Assistant United States Attorney

CERTIFICATE OF SERVICE

I hereby certify that service of the foregoing Renewed Motion for a Protective Order and to Quash Subpoenas Issued Subsequent to Filing the Motion for a Protective Order and Request to Set an Emergency Hearing on the Motions on October 16, 1979 and proposed Order has been made upon plaintiff by mailing a copy thereof to plaintiff's counsel, James H. Lesar, Esquire, 910 16th Street, NW., #600, Washington, D. C. 20006, on this 10th day of October, 1979.

  
\_\_\_\_\_  
PATRICIA J. KENNEY  
Assistant United States Attorney  
U.S. District Courthouse  
3rd & Constitution Avenue, NW.  
Room 3212  
Washington, D. C. 20001  
(202) 633-5064

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 v. ) Civil Action No. 75-1448  
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 ADMINISTRATION, )  
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 Defendant. )  
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MEMORANDUM IN SUPPORT OF  
RENEWED MOTION FOR A PROTECTIVE ORDER  
AND TO QUASH SUBPOENAS ISSUED SUBSEQUENT  
TO FILING THE MOTION FOR A PROTECTIVE ORDER  
AND REQUEST TO SET AN EMERGENCY HEARING ON  
THE MOTIONS ON OCTOBER 16, 1979

In support of defendant's renewed motion, the defendant incorporates by reference as if fully set forth herein its memorandum in support of its motion for a protective order filed on September 24, 1979.

Respectfully submitted,

*Carl S. Raub*  
\_\_\_\_\_  
CARL S. RAUB  
United States Attorney

*Royce C. Lambert*  
\_\_\_\_\_  
ROYCE C. LAMBERTH *R-492*  
Assistant United States Attorney

*Patricia J. Kenney*  
\_\_\_\_\_  
PATRICIA J. KENNEY  
Assistant United States Attorney

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O R D E R

UPON CONSIDERATION of Defendant's Renewed Motion for a Protective Order and To Quash Subpoenas Issued Subsequent to Filing the Motion for a Protective Order and Request to Set an Emergency Hearing on the Motions on October 16, 1979 and the entire record herein, it is by this Court this            day of October, 1979

ORDERED that plaintiff's motion for expedited discovery be and hereby is denied; and it is

FURTHER ORDERED that the defendant's motion for a protective Order be and hereby is granted and that discovery is prohibited in connection with plaintiff's motion for costs and attorney's fees which is under submission; and it is

FURTHER ORDERED that subpoenas of this Court dated October 9, 1979 and issued to Messrs. Owen, Rhoads, Briggs, Dooley and Garfinkel be and are hereby quashed.

UNITED STATES DISTRICT JUDGE