

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

.....
:
HAROLD WEISBERG, :
:

Plaintiff, :
:

v. :
:

Civil Action No. 75-1448
:

GENERAL SERVICES ADMINISTRATION, :
:

Defendant :
:
.....

RECEIVED

NOV 27 1979

JAMES F. DAVEY, Clerk

OPPOSITION TO DEFENDANT'S MOTION
FOR AN ENLARGEMENT OF TIME

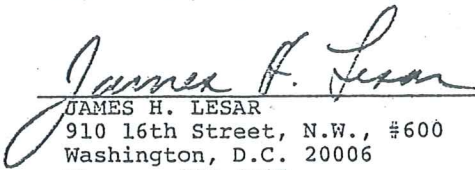
By order dated October 17, 1979, this Court directed that "Defendant shall file any supplemental affidavits in support of its Opposition to Plaintiff's Motion for Attorney's Fees on or before November 21, 1979." On November 21st defendant moved for an additional two weeks extension of time, to and including December 5, 1979. No justification was given for this request, except for the statement that "[t]he agency has requested additional time in order to properly prepare the affidavit."

Plaintiff filed his motion for an award of attorney's fees on April 24, 1979. Thus defendant has had more than seven months in which to file an adequate affidavit in support of its claim that plaintiff has not "substantially prevailed" in this lawsuit. This continues the pattern of delays which defendant has engaged in throughout this litigation. For this reason, plaintiff opposes the enlargement requested by defendant.

In addition, plaintiff notes that by order filed October 25, 1979, the Court of Appeals denied defendant's motion for reconsideration of the award of costs which the Court had made to plain-

tiff and amended its original award of costs to increase the amount to be taxed against defendant. Plaintiff submits that the Court's order resolves the issue of whether he has "substantially prevailed" in this litigation, rendering any further showing by the defendant on this issue superfluous. (A copy of the Court of Appeals' October 25, 1979 order is attached.

Respectfully submitted,

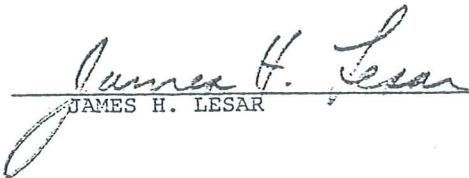


JAMES H. LESAR
910 16th Street, N.W., #600
Washington, D.C. 20006
Phone: 223-5587

Attorney for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that I have this 27th day of November, 1979 mailed a copy of the foregoing Opposition to Defendant's Motion For an Enlargement of Time to AUSA Patricia J. Kenney, Room 2804B, United States Courthouse, Washington, D.C. 20001.



JAMES H. LESAR

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

.....
: :
HAROLD WEISBERG, :
: :
Plaintiff, :
: :
v. : Civil Action No. 75-1448
: :
GENERAL SERVICES ADMINISTRATION, :
: :
Defendant :
: :
.....

O R D E R

Upon consideration of defendant's motion for an enlargement of time within which to submit an additional affidavit in support of their opposition to plaintiff's motion for attorney's fees and costs, plaintiff's opposition to said enlargement, and the entire record herein, it is by the Court this _____ day of _____, 1979, hereby

ORDERED that defendant's motion for an enlargement of time is DENIED.

UNITED STATES DISTRICT COURT