

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

RECEIVED

JAN 15 1980

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

NOTICE OF FILING

Comes now the plaintiff, Mr. Harold Weisberg, and gives notice of the filing of the attached affidavit of Mr. James H. Lesar.

Respectfully submitted,

*James H. Lesar*  
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 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 15th day of January, 1980, mailed a copy of the foregoing Notice of Filing and the attached affidavit of Mr. James H. Lesar to Ms. Patricia J. Kenney, Assistant United States Attorney, United States Courthouse, Washington, D.C. 20001.

*James H. Lesar*  
 \_\_\_\_\_  
 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 :

AFFIDAVIT OF JAMES H. LESAR

I, James H. Lesar, first having been duly sworn, depose and say as follows:

1. Attached hereto is a "Second Amended Itemization of Attorney's Time." (See Attachment 1) This lists and describes all work in this case for which compensation is sought. Rounded off, this comes to exactly 400 hours. At \$85 per hour, the rate at which compensation is sought in this case, this comes to \$34,000.

2. Also attached hereto is an "Amended Itemization of Costs." (See Attachment 2) This updates the costs of litigating this case to include those incurred since the original itemization of costs was submitted. The litigation costs now total \$1,733.11. When added to the sum requested for attorneys' fees, this means that a total of \$35,733.11 is sought as the base award of attorneys' fees and litigation costs.

3. The itemization of costs does not include the sum of \$522.06 which the Court of Appeals awarded plaintiff as costs. Although the Court of Appeals order awarding plaintiff this sum was issued on October 25, 1979, plaintiff has not yet received it. Indeed, some two weeks ago plaintiff's counsel learned from defendant's counsel, whom he had called about this matter, that the government was considering filing a second motion for reconsideration of the award of costs in the Court of Appeals!

4. Plaintiff's counsel was told that he would be notified as soon as a decision had been made on whether to file a second motion for reconsideration. No such notification has yet been made. If plaintiff does not receive notification shortly, he will be compelled to apply for an order from this Court directing defendant to pay this sum forthwith. It has been 10 months since plaintiff filed his original bill of costs in the Court of Appeals and the time for moving for a second reconsideration of the award of costs would appear to have expired last November.

  
JAMES H. LESAR

WASHINGTON, D.C.

Sworn and subscribed to before me this 15th day of January, 1980.

  
NOTARY PUBLIC IN AND FOR  
THE DISTRICT OF COLUMBIA

My commission expires

7/31/84

SECOND AMENDED ITEMIZATION OF ATTORNEY'S TIME

<u>Date</u>	<u>Description of Services</u>	<u>Hours</u>
9/4/75	Preparation of complaint	2*
10/26/75	Motion to substitute party	1/2*
10/28/75	First set of interrogatories	4*
12/29/75	Motion to compel answers to interrogatories	2*
2/19/76	Letter to Judge Robinson	1/2*
2/27/76	Request for production of documents	3*
3/1/76	Motion to compel answers to interrogatories	4*
3/2/76	Motion to take tape-recorded depositions	2*
3/2/76	Second set of interrogatories	6*
3/22/76	Stipulation	2*
5/4/76	Request for production of documents	2*
5/4/76	Opposition to defendant's motion for summary judgment	40*
5/25/76	Status call	2*
7/8/76	Preparation of interrogatories	3 1/4
7/9/76	Preparation of interrogatories	6
7/14/76	Preparation of interrogatories	3
7/15/76	Preparation of interrogatories	4 1/2
7/16/76	Preparation of interrogatories	3 1/2
7/18/76	Preparation of interrogatories	2 1/2
7/19/76	Preparation of interrogatories	7 1/2
7/20/76	Preparation of interrogatories	3
7/24/76	Preparation of interrogatories	4 1/2
7/25/76	Preparation of interrogatories	4
7/26/76	Preparation of interrogatories	4
10/8/76	Motion for summary judgment	2
10/10/76	Motion for summary judgment	2
11/4/76	Conference with client	1/2
11/18/76	Hearing before Magistrate Dwyer	2*
11/29/76	Memorandum to the Court	2

<u>Date</u>	<u>Description of services</u>	<u>Hours</u>
12/2/76	Hearing before Magistrate Dwyer	1*
1/6/77	Motion to compel answers to interrogatories	3
1/7/77	Motion to compel answers to interrogatories	3
1/14/77	Hearing before Magistrate Dwyer	2*
1/19/77	Objection to Magistrate's order and demand for immediate trial	3*
3/3/77	Preparation for hearing on motion to compel answers to interrogatories and on motions for summary judgment	2
3/4/77	Hearing on motion to compel answers to interrogatories and motions for summary judgment	2*
3/21/77	Motion for reconsideration	15*
10/14/77	Work on appeal appendix	4
10/18/77	Work on appeal appendix	5
10/19/77	Work on appeal appendix	2
10/20/77	Work on appeal appendix	4
10/21/77	Work on appeal appendix	7 1/2
10/22/77	Work on appeal appendix and review of file	2
10/23/77	Work on appeal appendix and review of file	3
10/24/77	Work on appeal brief (writing)	4
10/26/77	Work on appeal brief (writing)	6 1/2
12/31/77	Notes on brief in Weissman case	1/2
2/15/78	Work on reply brief (research)	3
2/18/78	Work on reply brief	5 1/2
2/19/78	Work on reply brief	4
2/20/78	Work on reply brief	2
2/21/78	Work on reply brief	13 1/2
2/23/78	Motion for leave to file reply brief with addendum	2 1/2
2/24/78	Motion to expedite oral argument	2 1/2
3/6/78	Research on judicial notice	2
3/7/78	Research on judicial notice	2
3/8/78	Work on opposition to motion to strike reply brief addendum	2 1/4



<u>Date</u>	<u>Description of services</u>	<u>Hours</u>
3/9/78	Work on opposition to motion to strike reply brief addendum	6
4/16/78	Work on Weisberg affidavit for new trial motion	2
4/17/78	Work on Weisberg affidavit for new trial motion	6 1/2
4/18/78	Motion for new trial	2
5/4/78	Notice to take depositions	1/2
9/1/78	Research for appellant's brief in Case No. 78-1731	3 2/3
9/2/78	Research for appellant's brief in Case No. 78-1731	1 1/6
9/3/78	Research for appellant's brief in Case No. 78-1731	2 2/3
9/4/78	Research for appellant's brief in Case No. 78-1731	1 1/2
9/5/78	Research for appellant's brief in Case No. 78-1731	3 1/2
9/9/78	Research for appellant's brief in Case No. 78-1731	1 1/2
9/10/78	Work on brief in Case No. 78-1731	3
9/11/78	Work on brief in Case No. 78-1731	9 1/4
10/24/78	Work on opposition to motion to dismiss on grounds of mootness	1 1/2
10/25/78	Work on opposition to motion to dismiss on grounds of mootness	11 1/2
2/13/79	Research on attorneys' fees issue	2
2/15/79	Work on affidavit for attorneys' fees motion	2
2/16/79	Work on affidavit for attorneys' fees motion	2 1/2
2/17/79	Work on affidavit for attorneys' fees motion	2
4/7/79	Work on memorandum of points and authorities on motion for attorneys' fees	2 1/12
4/9/79	Work on affidavit for attorneys' fees motion	1 1/4
4/15/79	Work on memorandum of points and authorities on attorneys' fees motion	3 1/4
4/16/79	Work on memorandum of points and authorities for attorneys' fees motion	1 5/6
4/18/79	Work on memorandum of points and authorities on motion for attorneys' fees	3

<u>Date</u>	<u>Description of services</u>	<u>Hours</u>
4/22/79	Memorandum of points and authorities for attorneys' fees motion	6 1/2
4/23/79	Memorandum of points and authorities for attorneys' fees motion	5 3/4
5/2/79	Opposition to motion to reconsider in case No. 77-1831	4 1/2
5/3/79	Opposition to motion to reconsider in Case No. 77-1831	4 1/2
8/14/79	Reply to opposition to attorneys' fees motion	1 1/2
8/17/79	Work on interrogatories	1 3/4
8/22/79	Reply to opposition	2
8/23/79	Reply to opposition	5
8/24/79	Reply to opposition	2
8/25/79	Reply to opposition	2 1/4
8/27/79	Reply to opposition	1 1/6
8/28/79	Reply to opposition	1 1/2
8/29/79	Reply to opposition	3 1/2
9/4/79	Reply to opposition	1
9/6/79	Reply to opposition	4
9/10/79	Reply to opposition	4 3/4
9/11/79	Work on affidavit	2
9/11/79	Reply to opposition	4
9/12/79	Reply to opposition	4 1/2
12/7/79	Review of supplemental Owen affidavit	1/2
12/27/79	Review of Weisberg affidavit	1
12/28/79	Review of Weisberg affidavit	3 1/4
1/3/80	Conference with Weisberg	1/2
1/3/80	Review of materials to write response to supplemental Owen affidavit	1 1/2
1/7/80	Work on response to supplemental Owen affidavit	1
1/8/80	Work on response to supplemental Owen affidavit	2 3/10
1/9/80	Work on response to supplemental Owen affidavit	8 3/10

<u>Date</u>	<u>Description of services</u>	<u>Hours</u>
1/10/80	Work on response to supplemental Owen affidavit	7 3/10
1/11/80	Work on response to supplemental Owen affidavit	<u>3 1/2</u>

TOTAL NUMBER OF HOURS: 400

\*An asterisk is used where the amount of hours expended is based not upon work records but rather upon counsel's estimate as to the time spent. In the early stages of the case counsel did not keep time records. When he did begin to keep such records, he occasionally forgot to record his time. Thus it has been necessary for him to estimate the amount of time required to perform certain items of work.



AMENDED ITEMIZATION OF COSTS\*

1. Office xeroxing . . . . .	\$ 214.51
2. Xeroxing by Panic Press and Rogers Office Supply . . . . .	459.06
3. Transcripts . . . . .	95.60
4. Consultant on national security classification (Mr. William G. Florence) . . . . .	700.00
5. Postage . . . . .	25.14
6. Telephone (long distance) . . . . .	30.00
7. Subpoena service . . . . .	<u>8.80</u>
TOTAL: . . . . .	\$ 1733.11

\*This itemization of costs does not include the costs included in the bill of costs which was submitted to the U.S. Court of Appeals. The Court of Appeals has awarded plaintiff costs in the amount of \$522.06. Although the Court of Appeals order was issued on October 25, 1979, plaintiff has not yet received this money which is due him.