UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

HAROLD WEISBERG,

Plaintiff,

v.

Civil Action No. 75-1996

U. S. DEPARTMENT OF JUSTICE,

Defendant

MOTION TO COMPEL PRODUCTION OF DOCUMENTS

Comes now the plaintiff, Harold Weisberg, and moves this

Court for an order compelling the defendant to produce and permit

plaintiff to make copies of the documents specified in the Request

for Production of Documents filed in this cause on May 4, 1976.

A Memorandum of Points and Authorities is attached hereto.

Respectfully submitted,

JAMES HIRAM LESAR

1231 Fourth Street, S. W.

Washington, D. C. 2

Attorney for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that I have this 12th day of August, 1976,

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

•••••

HAROLD WEISBERG,

v.

Plaintiff,

Civil Action No. 75-1996

U. S. DEPARTMENT OF JUSTICE,

Defendant

MEMORANDUM OF POINTS AND AUTHORITIES

On May 4, 1976, plaintiff filed a request for production of documents under Rule 34 of the Federal Rules of Civil Procedure.

The defendant has not produced the documents requested nor made any response whatsoever.

Under Rule 34 the defendant has the burden of showing that the documents sought are privileged or irrelevant or there is some other valid objection to their production. No such showing has been made here.

On August 11, 1976, the day before plaintiff's counsel is scheduled to depart for a three-week trip abroad, plaintiff's counsel received a response by the defendant to plaintiff's June 30, 1976, motion for certification of compliance. This "response", and the fact that no reply to it can be made until plaintiff's counsel returns to the U.S. on September 7, 1976, increase plaintiff's need for the documents which he requested on May 4, 1976.

documents, particularly the three boxes of indices referred to in Mr. Phil Canale's letter October 22, 1968, and that of Mr. D. Robert Owen of October 18, 1968, will greatly assist plaintiff in his effort to show that defendant is not responding in good faith or with due diligence to his Freedom of Information request.

Respectfully submitted,

JAMES HIRAM LESAR

1231 Fourth Street, S. W. Washington, D. C. 20024

Atttorney for Plaintiff

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

HAROI	LD WEISBERG, Plaintiff, v.	Civil Action 75-1996
U. S.	DEPARTMENT OF JUSTICE,	
	Defendant	
ORDER		
Upon consideration of plaintiff's motion to compel the produc		
tion	of documents, and the entire	e record herein, it is by the Cour
this	day of	, 1976, hereby
	ORDERED, that within	days the defendant shall pro-
duce	and permit plaintiff to make	e copies of the documents speci-

fied in the request for production of documents which plaintiff

UNITED STATES DISTRICT COURT

filed in this cause on May 4, 1976.