

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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: : : : :
HAROLD WEISBERG,

Plaintiff,

v.

Civil Action No. 75-1996

U.S. DEPARTMENT OF JUSTICE,

Defendant
.....

RECEIVED

MAY 21 1979

JAMES F. DAVEY, Clerk

PLAINTIFF'S MOTION FOR EXTENSION OF
TIME IN WHICH TO OPPOSE DEFENDANT'S
MOTION FOR PARTIAL SUMMARY JUDGMENT

Comes now the plaintiff, Mr. Harold Weisberg, and moves the Court pursuant to Rule 6(b) of the Federal Rules of Civil Procedure for an order extending his time to oppose Defendant's Motion for Partial Summary Judgment to and including May 31, 1979.

In support of his motion, plaintiff states to the Court as follows:

1. Defendant's Motion for Partial Summary Judgment contains a certificate of service which recites that it was mailed to plaintiff's counsel on May 11, 1979. However, the affidavits and appendices attached to the motion were not mailed until later, with the result that plaintiff's counsel did not receive the third and final mailing, of the appendices, until May 17, 1979.

2. Plaintiff Harold Weisberg has now received the motion and all its supporting materials, and he has begun to work on an affidavit in support of his opposition to it. However, Mr. Weisberg is in a weakened condition at present. On April 20, 1979, his urine was bloody. After consultation with his local doctor, he was immediately taken off coumadin, an anti-coagulant drug. On May 2,

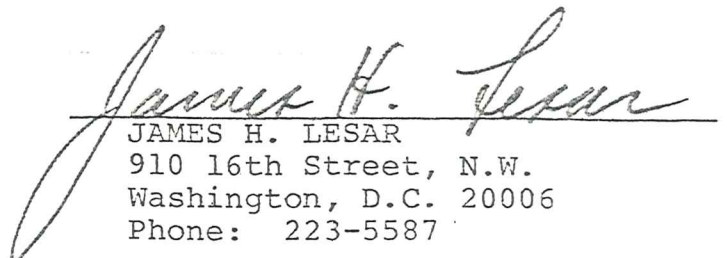
1979, he was subjected to tests and examinations at the Georgetown University Hospital office of Dr. Charles Hufnagel, a cardiovascular specialist. On May 18, 1979, Mr. Weisberg underwent further testing in Frederick, Maryland. The results of this testing are not yet known.

3. Because of his weakened condition, it will take Mr. Weisberg longer to complete a draft affidavit than it ordinarily would. Just when he can complete it is at present uncertain. In addition, the affidavit must first be sent from Frederick, Maryland, where he resides, to his attorney in Washington, D.C. If additions or revisions are required, then it will have to be returned to Frederick, Maryland, signed and notarized there, and once again returned to his attorney in Washington.

4. Counsel for the defendant has authorized plaintiff to state that defendant has no objection to the extension of time requested.

Plaintiff also notes that he is noticing certain depositions. His counsel has learned in conversations with counsel for the defendant that defendant will oppose these depositions. While plaintiff's counsel awaits the papers opposing these depositions, he will be working on a motion to require the defendant to pay Mr. Weisberg for the consultancy work he did for the Department of Justice in this case more than a year ago.

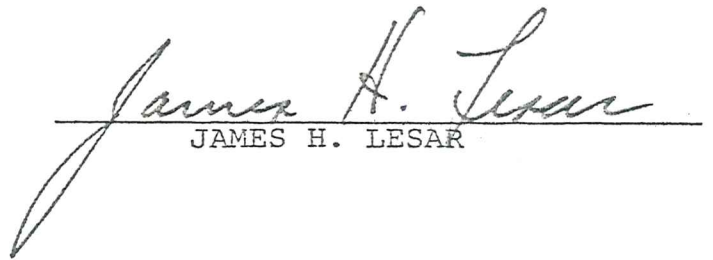
Respectfully submitted,


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

Attorney for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that I have this 18th day of May, 1979, mailed a copy of the foregoing Plaintiff's Motion for Extension of Time In Which to Oppose Defendant's Motion for Partial Summary Judgment to Ms. Betsy Ginsberg, Attorney, Civil Division, U.S. Department of Justice, Washington, D.C. 20530.


JAMES H. LESAR

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

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 :
 U.S. DEPARTMENT OF JUSTICE, :
 :
 Defendant :
 :
.....

O R D E R

Upon consideration of plaintiff's motion for an extension of time within which to oppose defendant's motion for partial summary judgment, and the entire record herein, it is by the Court this _____ day of May, 1979, hereby

ORDERED, that plaintiff's time within which to oppose defendant's motion for partial summary judgment is extended to and including May 31, 1979.

UNITED STATES DISTRICT COURT