

JMRogers:rws
145-12-2590

TELEPHONE:
(202) 633-1673

15 JUL 1983

Mr. James H. Lesar
1000 Wilson Boulevard
Suite 900
Arlington, Virginia 22209

Re: Harold Weisberg v. U.S. Department
of Justice (D.C. Cir. Nos. 82-1229,
82-1274, 83-1722 and 83-1764)

Dear Mr. Lesar:

We have today transmitted to the Court of Appeals for the District of Columbia Circuit a notice of appearance in the above-captioned appeal for Leonard Schaitman and John M. Rogers, who will be handling this appeal on behalf of the defendant-appellee and cross appellant, U.S. Department of Justice. Please make service of all documents directly upon Mr. Schaitman and Mr. Rogers at the Department of Justice, Civil Division, Appellate Staff, Room 3617, 9th & Pennsylvania Ave., N.W., Washington, D.C. 20530.

Very truly yours,

JOHN M. ROGERS
Attorney, Appellate Staff
Civil Division

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IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

HAROLD WEISBERG,)
)
 Plaintiff-Appellant and)
 Cross-Appellee,)
)
 v.) Nos. 82-1229
) and 82-1274
 U.S. DEPARTMENT OF JUSTICE,)
)
 Defendant-Appellee and)
 Cross-Appellant.)
)
)
)

CERTIFICATE OF SERVICE

I hereby certify that on this 15th day of July, 1983, I served the foregoing Consent Motion To Consolidate Appeals, Dispense With Designation Of Record, Set Briefing Schedule, And Use Deferred Appendix Procedure upon counsel involved by causing a copy to be mailed, postage prepaid, to:

Mr. James H. Lesar
1000 Wilson Boulevard
Suite 900
Arlington, Virginia 22209

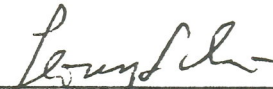

JOHN M. ROGERS (202) 633-1673
Attorney, Appellate Staff

5. The entire record for the purposes of the appeals and cross-appeals in this case has already been sent to this Court, and no purpose would be served by designating the contents of the record pursuant to Rule 10(b), F.R.A.P.

6. Under the agreed-upon briefing schedule, the initial brief is due three weeks more than 40 days after the docketing of the cross-appeal in No. 83-1764. The schedule otherwise conforms to the time limits prescribed by Rule 31(a), F.R.A.P. Counsel for plaintiff, Mr. James Lesar, will be very heavily occupied with other matters, and will be on vacation during the last two weeks of August. Counsel for the Department, Mr. John Rogers, has been assigned this appeal for the first time on July 11, 1983, and requires extra time to familiarize himself with the record.

7. Because of the volume of the record in this case, due in part to the length of time over which this litigation has been conducted, and because of the unfamiliarity of the Department's appellate counsel with that record, it would be most efficient for the deferred appendix procedure of Rule 30(c), F.R.A.P., to be followed.

Respectfully submitted,



LEONARD SCHAITMAN (202) 633-3441



JOHN M. ROGERS (202) 633-1673
Attorneys, Appellate Staff
Civil Division, Room 3617
Department of Justice
Washington, D.C. 20530.

The reasons for this request are as follows:

1. Counsel for plaintiff, Mr. James Lesar, has authorized us to state that he consents to the granting of this motion.

2. Plaintiff Harold Weisberg instituted this lawsuit under the Freedom of Information Act, 5 U.S.C. §552 et seq., more than six years ago and has sought, during the course of the litigation, thousands of pages of Federal Bureau of Investigation records concerning the assassination of Dr. Martin Luther King, Jr.

3. The appeal and cross-appeal filed in this case are from orders of the District Court entered on December 1, 1981, and January 5, 1982, ruling on numerous motions then pending before the district court.

4. The Department's appeal in No. 83-1722 is from the orders of the district court in the same case entered upon December 1, 1981, January 5, 1982, January 21, 1983 (granting plaintiff's motion for attorney's fees and litigation costs and awarding plaintiff \$93,926.25 in attorney's fees), and April 29, 1983 (awarding plaintiff costs in the amount of \$14,481.95). The plaintiff's cross-appeal in No. 83-1764 is from the same orders of the district court in the same case. Because these appeals are all taken from related orders of the district court in the identical case, consolidation on appeal would best conserve judicial resources and further understanding of the issues presented.

