

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA

RECEIVED
NOV 21 1983
CLERK OF THE UNITED
STATES COURT OF APPEALS

HAROLD WEISBERG, :
 :
 Appellant/Cross-Appellee :
 :
 v. :
 :
 U.S. DEPARTMENT OF JUSTICE, :
 :
 Appellee/Cross-Appellant :

Nos. 82-1229, 82-1274
83-1722, 83-1764

APPELLANT/CROSS-APPELLEE'S UNOPPOSED MOTION
FOR REVISION OF BRIEFING SCHEDULE

Appellant/cross-appellee Harold Weisberg hereby moves for
a revision of the briefing schedule as follows:

Appellant's reply brief and cross-appellee's
brief to be hand-delivered to the Clerk's Office
and filed December 9, 1983;

Cross-appellant's reply brief to be served and filed
December 23, 1983;

Deferred Appendix due December 30, 1983.

In support of this motion, Weisberg states to the Court
as follows:

1. Appellant's reply brief and cross-appellee's brief
is presently due December 2, 1983.

2. Because of work on other cases, notably Allen v.
Department of Defense, et al., Civil Action No. 81-2543, and William
M. Gilday, Jr. v. Department of Justice, Civil Action No. 83-1386,
appellant's counsel has not been able to commence work on appellant's
reply brief and cross-appellee's brief until after Thanksgiving, at
the earliest. As a practical matter this will give him only one
week under the present briefing schedule in which to research and

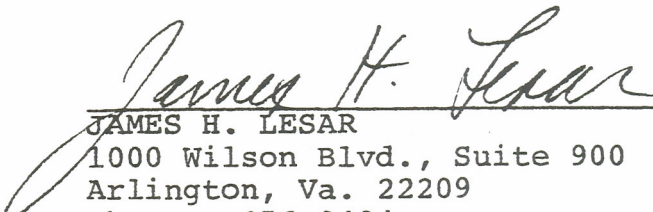
907A

write a brief responding to the Department's 70-page opening brief. Given the number of issues involved in these appeals and the length of the record in the court below, which consists of the voluminous product of eight years of litigation, this amount of time is insufficient.

3. Appellant's reply brief and cross-appellee's brief will necessarily have to expend much time responding to errors and omissions in the Department's opening brief. Because it normally takes longer to correct errors than it does to make them, Weisberg's counsel anticipates that his final brief will have to exceed the 70 page limitation imposed on it by the rules. Accordingly, he is concurrently filing a motion for leave to exceed the page limit, a motion which is opposed by the Department. Should this Court deny the motion for leave to exceed the page limit, it will become absolutely essential that Weisberg be granted the full seven-day extension he has requested, since at least a day or two will be needed to pare the brief down to 70 pages.

4. Counsel for the Department has authorized counsel for Weisberg to state that the Department does not oppose this motion to revise the briefing schedule.

Respectfully submitted,

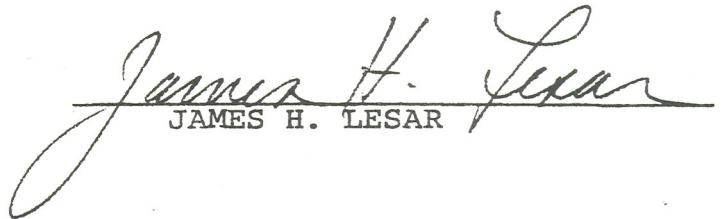


JAMES H. LESAR
1000 Wilson Blvd., Suite 900
Arlington, Va. 22209
Phone: 276-0404

Attorney for Appellant/Cross-
Appellee Weisberg

CERTIFICATE OF SERVICE

I hereby certify that I have this 21st day of November, 1983, hand-delivered a copy of the foregoing motion to the office of John S. Koppel, Civil Division, Appellate Staff, U.S. Department of Justice, Room 3617, Washington, D.C. 20530.


JAMES H. LESAR