

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

HAROLD WEISBERG,

Plaintiff-Appellant,

v.

GENERAL SERVICES ADMINISTRATION,

Defendant-Appellees

No. 77-1831

APPELLEE'S MOTION FOR FURTHER EXTENSION
OF TIME IN WHICH TO FILE ITS BRIEF

Appellee respectfully requests this Court to grant a further seven-day extension of time for filing its brief, from January 26, 1978, to and including February 2, 1978. In support of this motion, appellee states as follows:

1. Appellee's brief is currently due on January 26, 1978. Appellee has previously received two prior 30-day extensions of time.
2. In granting appellee's second extension motion, the Court stated that no further extensions would be granted except for extraordinary cause shown. It is therefore with extreme reluctance that appellee requests an additional seven days. However, this additional time is essential for the preparation of appellee's brief.
3. The attorney who was originally assigned to this case, Michael F. Hertz, also bore primary responsibility for the case

of Ray v. Bush, No. 77-1401 (D.C. Cir.). On December 22, 1977, this Court sua sponte invited plaintiffs' counsel in Nos. 77-1848, 1989 and 2039 to file an amicus memorandum in the Ray case. Argument was heard in the Ray case on January 17, 1978.

4. Because Mr. Hertz was so heavily involved in drafting a response to the amici and in preparing for oral argument in the Ray case, he was unable to devote as much time to preparing the brief in this case as had been originally planned. The case was reassigned to a new attorney, Linda M. Cole, on January 16, 1978.

5. Although Ms. Cole had no prior familiarity with the case, she has been authorized to devote her full time to preparing the appellee's brief and has substantially completed an initial draft. The additional seven days requested in this motion is necessary to permit Ms. Cole to complete her draft of the brief and to permit the review of her brief and to consult with the client agencies. No further extensions will be sought.

For the above-stated reasons, the government requests a further extension of seven days in which to file the appellee's brief.

Respectfully submitted,

/s/ Leonard Schaitman
LEONARD SCHAITMAN 739-3321

/s/ Linda M. Cole
LINDA M. COLE 739-3380
Attorneys, Appellate Section
Civil Division
Department of Justice
Washington, D. C. 20530

CERTIFICATE OF SERVICE

I hereby certify that on this 24th day of January, 1978, I served the foregoing motion upon counsel for the appellant by causing a copy to be mailed, postage prepaid, to:

James H. Lesar, Esquire
Suite 600
910 16th Street, N. W.
Washington, D. C. 20006

/s/ Linda M. Cole
LINDA M. COLE
Attorney