

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

HAROLD WEISBERG, )  
 )  
 Plaintiff-Appellant, )  
 )  
 v. ) No. 77-1831  
 )  
 GENERAL SERVICES ADMINISTRATION, )  
 )  
 Defendant-Appellee. )

OPPOSITION TO APPELLANT'S MOTION FOR  
LEAVE TO FILE REPLY BRIEF WITH ADDENDUM

Appellee, the General Services Administration, respectfully opposes Appellant's Motion for Leave to File Reply Brief With Addendum on the grounds that twelve of the thirteen <sup>1/</sup> documents contained in the proposed addendum are not part of the record below.

It is well-settled that an appellate court must look only to the record considered by the district court in deciding questions presented. See, E.g., Lawn v. United States, 355 U.S. 339, 354 (1957), rehearing denied 355 U.S. 967 (1957); T.V.T. Corporation v. Basiliko, 103 U.S. App. D.C. 181, 183, 257 F.2d 185, 187 (1958). If appellant feels that the newspaper clippings, book excerpts, internal F.B.I. memoranda and other miscellany contained in his proposed addendum constitute newly discovered evidence germane to the disposition of this case, his remedy is to file a motion with the district court pursuant

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<sup>1/</sup> The bulk of the information contained in the thirteenth document is included in the Joint Appendix and is thus properly before the Court.

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to Fed. R. Civ. P. 60(b), not to file an addendum with this court. C.f. Smith v. Pollin, 90 U.S. App. D.C. 178, 180, 194 F.2d 349, 350 (1951). Failure to require appellant to follow proper procedures in this regard would deprive the government of an opportunity to object to this material, most of which is irrelevant and much of which constitutes hearsay.

Accordingly, it is respectfully requested that Appellant's Motion for Leave to File Reply Brief With Addendum be denied.

Respectfully submitted,

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No. 77-1831

CERTIFICATE OF SERVICE

I hereby certify that on this 2nd day of March, 1978, I served the foregoing Opposition To Appellant's Motion For Leave To File Reply Brief With Addendum upon opposing counsel, by causing a copy to be mailed, postage prepaid, to:

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