

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

HAROLD WEISBURG,)
)
 Appellant,)
)
 v.) No. 77-1831
)
 GENERAL SERVICES ADMINISTRATION,)
)
 Appellee.)
 _____)

OPPOSITION TO MOTION FOR AN ORDER TO SHOW CAUSE
WHY APPELLEE SHOULD NOT BE HELD IN CONTEMPT OF
COURT FOR FAILING TO PAY AWARD OF COSTS

Appellant, Harold Weisburg, has moved this Court for an order directing the government to show cause why it should not be held in contempt for failure to pay the costs awarded to him on October 25, 1979. Appellee, the General Services Administration, respectfully opposes that motion on the grounds that all necessary steps have been taken to insure payment. Furthermore, the delays which have occurred are traceable to clerical errors made in processing the award of costs and not to any willful disobedience of an order of this Court.

The first error occurred because the order of October 25, 1979 was initially processed as a judgment rather than as an award of costs. That error was corrected several months ago and the order was submitted for processing through proper channels. Although the matter is not entirely free from doubt, the bulk of the delay appears to be traceable to the failure of a clerical worker at the Department of Justice to obtain a properly certified copy of the order. That error, too, has been rectified.

The Department of Justice took all necessary corrective action prior to receiving notice of Appellant's motion for an order to show cause, not in response thereto. Moreover, the General Accounting Office has now informed the Department of Justice that the order has been transmitted to the Treasury Department for payment. A check should be issued very shortly.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on this 3d day of July, 1980, I served the foregoing Opposition To Motion For An Order To Show Cause Why Appellee Should Not Be Held In Contempt Of Court For Failing To Pay Award Of Costs upon counsel for the Appellant by causing a copy to be mailed, postage prepaid, to:

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LINDA M. COLE, Attorney