

had to spend several hours searching for missing exhibits to Mr. Weisberg's July 10, 1978 affidavit. (Mr. Weisberg had sent that affidavit to counsel with some of the exhibits missing, in the hopes that counsel would be able to supply them from his own files. Mr. Weisberg later located these exhibits in his own files and sent them to his counsel, who then misplaced them. They were not found until shortly after midnight, July 28, 1978.)

4. Another cause of delay was simply the fact that plaintiff's counsel underestimated the time it would take him to complete the Opposition and assemble it. Plaintiff's counsel worked several hours on the weekend in order to be able to file the Opposition on Monday, July 31, 1978. Counsel finished the Opposition at 6:00 p.m. Monday, then went home for dinner. At 10:00 p.m. Monday evening he returned to his office to xerox and assemble the Opposition and its attachments and exhibits, again hoping to file it with the guard at the Courthouse before midnight. However, about halfway through the xeroxing the xerox machine broke down and could not be fixed until Monday morning.

In view of the above circumstances, plaintiff respectfully requests that the Court permit him to file his Opposition, time having expired.

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Attorney for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that I have this 1st day of August, 1978 mailed a copy of the foregoing Motion for Leave to File Opposition to Defendants' Motion for Summary Judgment Time Having Expired to Mr. Emory J. Bailey, U.S. Department of Justice, Washington, D.C.

20530.

James H. Lesar
JAMES H. LESAR

