

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF COLUMBIA

HAROLD WEISBERG,

Plaintiff,

v.

Civil Action No. 78-0249

CLARENCE M. KELLEY, ET AL.,

Defendants.

DEFENDANTS' MOTION FOR A
PROTECTIVE ORDER

Defendants, by and through counsel, hereby move the Court pursuant to Rule 26(c) of the Federal Rules of Civil Procedure for a protective order preventing plaintiff from deposing Allen H. McCreight and Horace P. Beckwith, employees of the Department of Justice (Federal Bureau of Investigation), on August 30, 1978, at 10:00 a.m. The basis for defendants' motion is that both plaintiff and defendants have filed motions for summary judgment and oppositions thereto. Additionally, defendants filed along with its motion for summary judgment, a motion to dismiss. These motions are pending before the Court and should be disposed of before any discovery proceedings are conducted. The eventual determination of these motions may eliminate any need for discovery.

Furthermore, plaintiff seeks the production of documents which are the subject matter of the litigation and thus, are not within the scope of proper discovery.

In support of this motion, the Court is respectfully referred to defendants' Memorandum in Support of their Motion for a Protective Order.

Respectfully submitted,

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