

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

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JAN 26 1979

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: :  
HAROLD WEISBERG, : :  
: :  
Plaintiff, : :  
: :  
v. : :  
: :  
CLARENCE M. KELLEY, et al., : :  
: :  
Defendants : :  
: :  
.....

JAMES F. DAVEY, Clerk

Civil Action No. 78-0249

MOTION FOR EXTENSION OF TIME

Comes now the plaintiff, Mr. Harold Weisberg, and moves the Court, pursuant to Rule 6(b) of the Federal Rules of Civil Procedure, for an extension of time, to and including February 8, 1979, within which to file his response to the affidavit of Bradley B. Benson. As grounds for this motion, plaintiff states to the Court as follows:

1. Mr. Benson's affidavit was filed on January 22, 1979, and the certificate of service recites that it was mailed to his counsel on that date. However, plaintiff's counsel did not receive Mr. Benson's affidavit until January 25, 1979. By the order of this Court dated January 12, 1979, plaintiff has only five days from January 22nd within which to respond to it. A copy of Mr. Benson's affidavit was mailed to plaintiff on January 25th but his counsel does not know whether he has yet received it. (Attempts to reach Mr. Weisberg by phone this afternoon have been unsuccessful. There is nobody at home.) In view of past experience, Mr. Benson's affidavit may not reach plaintiff at Frederick, Maryland until January 29, 1979.

2. Plaintiff will undoubtedly want to respond to Mr. Benson's affidavit with his own counteraffidavit. He should be allowed

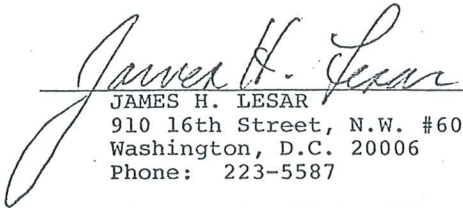
several days to check his own records for relevant information and to prepare a counteraffidavit.

3. Plaintiff's counsel is presently working on a brief that is overdue in the Court of Appeals. He will be working this weekend and most of next week to complete the brief for the appellee in that case (Weisberg v. Department of Justice, Court of Appeals Case No. 78-1641).

4. Plaintiff may also wish to submit an affidavit by Mr. William G. Florence, a security classification expert he has used in the past. Plaintiff's counsel attempted to reach Mr. Florence on January 26, 1979, but was unable to do so. Mr. Florence lives in Haddonfield, New Jersey, so additional time will be needed to send and receive materials from him. After plaintiff's counsel is able to consult with Mr. Florence by phone, he may wish to file a motion for in camera inspection with the aid of Mr. Florence. This, too, will require some additional time.

For the above reasons, plaintiff requests that the Court extend his time to respond to Mr. Benson's affidavit to and including February 8, 1979.

Respectfully submitted,

  
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JAMES H. LESAR  
910 16th Street, N.W. #600  
Washington, D.C. 20006  
Phone: 223-5587

Attorney for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that I have this 26th day of January, 1979, mailed a copy of the foregoing Motion for Extension of Time to

Mr. Emory J. Bailey, Attorney, Department of Justice, Washington,  
D.C. 20530.

  
JAMES H. LESAR

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: CLARENCE M. KELLEY, et al., :  
: Defendants :  
: .....

ORDER

Upon consideration of plaintiff's motion for an extension of time within which to respond to the affidavit of Bradley B. Benson filed in this case on January 22, 1979, and the entire record herein, it is by the Court this \_\_\_\_\_ day of \_\_\_\_\_, 1979, hereby

ORDERED, plaintiff's time for responding to the affidavit of Bradley B. Benson is extended to and including February 8, 1979.

\_\_\_\_\_  
UNITED STATES DISTRICT COURT