

United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

United States Court of Appeals
for the District of Columbia Circuit

September Term, 1978

No. 78-1107

Harold Weisberg,
Appellant

FILED MAR 7 1979

CALENDARED FOR 3/20/79

v

GEORGE A. FISHER
CLERK

Civil Action No. 75-0226

U.S. Department of Justice, et al.

O R D E R

Upon consideration of appellant's motion to expedite oral argument, appellant's motion for leave to file reply brief with addendum, appellant's motion for leave to file supplement to appellant's reply to appellee's opposition to appellant's motion to file reply brief with addendum, and responses thereto, it is

ORDERED by the Court that appellant's motion to expedite oral argument is dismissed as moot. It is

FURTHER ORDERED that appellant's motion for leave to file supplement to appellant's reply to appellee's opposition to appellant's motion for leave to file reply brief with addendum is granted. It is

FURTHER ORDERED that appellant's motion for leave to file reply brief with addendum is denied, and appellant is directed to strike from the brief the addendum and any references thereto. It is

FURTHER ORDERED that counsel for both parties submit, by March 16, written memoranda on the question whether the record can and should be remanded before a decision on the merits in order to allow the District Court to consider the effect, if any, the materials now proffered by appellant would have had upon its judgment. Counsel is directed to focus particularly upon the authority of this court and the District Court under 28 U.S.C. § 2106, Fed. R. Civ. P. 60(b), and Carr v District of Columbia, 543 F.2d 917 (D.C. Cir. 1975). These memoranda may properly include references to the materials sought to be included in the addendum to appellant's reply brief.

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FOR THE COURT:

GEORGE A. FISHER, Clerk

By: *Robert A. Bonner*

Robert A. Bonner
Chief Deputy Clerk