

UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 78-1107  
(C.A. No. 75-226)

HAROLD WEISBERG,

Appellant,

v.

UNITED STATES DEPARTMENT OF JUSTICE, et al.,  
Appellees.

OPPOSITION TO APPELLANT'S MOTION  
FOR AN ORDER TO SHOW CAUSE

For several reasons, appellees respectfully oppose appellant's motion for an order to show cause why they should not be held in contempt of this Court for failing to pay the award of \$693.81 in costs.

First, in view of this Court's transmittal of the judgment in lieu of mandate to the District Court on June 6, 1980, it is now apparent that jurisdiction over this case has been transferred back to the District Court. Accordingly, this Court is without jurisdiction to entertain appellant's complaint over nonpayment of costs. Second, the Finance Office of the United States Attorney's Office has just submitted to the corresponding office in the Department of Justice a voucher, a copy of which is attached, which should result in prompt payment of the award of costs. Third, although the delay that has occurred is regrettable, we note that the Assistant United States

Attorney primarily responsible for handling this case on appeal left the office and entered private practice several months prior to the judgment of this Court, and that the matter was apparently not reassigned. Since the judgment and remand, another attorney in the Department of Justice has assumed responsibility for handling defense of this matter. As a consequence, the matter of costs unfortunately escaped being placed in normal channels for payment until now.

WHEREFORE, appellees respectfully request that appellant's motion for an order to show cause be denied.

*Charles F. C. Ruff*  
\_\_\_\_\_  
CHARLES F. C. RUFF  
United States Attorney

*Royce C. Lamberth*  
\_\_\_\_\_  
ROYCE C. LAMBERTH  
Assistant United States Attorney

*Kenneth M. Raisler*  
\_\_\_\_\_  
KENNETH M. RAISLER  
Assistant United States Attorney

*Michael Ryan*  
\_\_\_\_\_  
MICHAEL RYAN  
Assistant United States Attorney

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that service of the foregoing Opposition To Appellant's Motion For An Order To Show Cause has been made upon appellant by mailing copies thereof, postage prepaid, to counsel for appellant, James H. Lesar, Esquire, 2101 L Street, N.W., Suite 203, Washington, D.C. 20037 on this 6th day of November, 1980.



MICHAEL RYAN  
Assistant United States Attorney  
United States Court House  
Room 3830  
3rd & Constitution Avenue, N.W.  
Washington, D.C. 20001  
(202) 633-4961 1864

Standard Form 1034  
September 1973  
Treasury Form 2000

**PUBLIC VOUCHER FOR PURCHASES AND SERVICES OTHER THAN PERSONAL**

VOUCHER NO.

U.S. DEPARTMENT, BUREAU, OR ESTABLISHMENT AND LOCATION

Office of the U.S. Attorney  
U.S. District Courthouse  
3rd. & Constitution Ave., N.W.  
Washington, D.C. 20001

DATE VOUCHER PREPARED  
Nov. 5, 1980

SCHEDULE NO.

CONTRACT NUMBER AND DATE

PAID BY

REQUISITION NUMBER AND DATE

**PAYEE'S NAME AND ADDRESS**  
Harold Weisberg  
7627 Old Receiver Road  
Frederick, Maryland 21701

DATE INVOICE RECEIVED

DISCOUNT TERMS

PAYEE'S ACCOUNT NUMBER

SHIPPED FROM

TO

WEIGHT

GOVERNMENT B/L NUMBER

NUMBER AND DATE OF ORDER

DATE OF DELIVERY OR SERVICE

ARTICLES OR SERVICES  
(Enter description, item number of contract or Federal supply schedule, and other information deemed necessary)

QUANTITY

UNIT PRICE  
COST PER

AMOUNT

(1)

Decision by Court of Appeals for D.C. Circuit in Harold Weisberg v. U.S. Department of Justice, et al, Appeal No. 78-1107 for appeal costs. See attached Court Order filed 6/6/80.

\$693.81

(Use continuation sheet(s) if necessary)

(Payee must NOT use the space below)

TOTAL

\$693.81

- COMPLETE
- PARTIAL
- FINAL
- PROGRESS
- ADVANCE

APPROVED FOR

= \$ 693.81

EXCHANGE RATE

= \$ 1.00

DIFFERENCES

Mary E. Walton

TITLE

Amount verified; correct for  
(Signature or Initials)

Pursuant to authority vested in me, I certify that this voucher is correct and proper for payment.

11/5/80

(Date)

*Thomas R. Gitter*  
THOMAS R. GITTER  
Admin. Officer

Admin. Officer, U.S. Attorney's Office

(Title)

**ACCOUNTING CLASSIFICATION**

2501

A-1510322

PAID BY

CHECK NUMBER ON TREASURER OF THE UNITED STATES  
\$693.81

CHECK NUMBER ON (Name of bank)

CASH DATE

PAYEE'S

\$

- 1 When stated in foreign currency, insert name of currency.
- 2 If the ability to certify and authority to approve are combined in one person, one signature only is necessary; otherwise the approving officer will sign in the space provided, over his official title.
- 3 When a voucher is receipted in the name of a company or corporation, the name of the person writing the company or corporate name, as well as the capacity in which he signs, must appear. For example: "John Doe Company, per John Smith, Secretary", or "Treasurer", as the case may be.

PER

TITLE