

1/27/83

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

HAROLD WEISBERG,

Plaintiff,

v.

Civil Action Nos.
78-322 and 78-420
(Consolidated)

FEDERAL BUREAU OF
INVESTIGATION,

Defendant.

_____ /

DEFENDANT'S MOTION FOR A HEARING

On January 17, 1983, plaintiff filed a motion for a protective order with respect to defendant's first set of interrogatories and requests for production of documents. On January 27, 1983, defendant opposed that motion and requested the Court to direct the plaintiff to answer the defendant's discovery requests within fifteen (15) days. The defendant also requested the Court to require plaintiff and his counsel to pay defendant the reasonable expenses, including attorney's fees, incurred in opposing the motion. Since under the dictates of Rule 37(a)(4) of the Federal Rules of Civil Procedure a court must afford an "opportunity for hearing" before it awards such expenses, the defendant moves the Court to schedule a hearing on plaintiff's motion for a protective order and on defendant's opposition thereto including its request that reasonable expenses be assessed against plaintiff and his counsel. In this regard, defendant notes that its counsel will, for the most part, be unavailable from February 21 through March 18, 1983. Accordingly, the defendant respectfully requests the Court to schedule a hearing for some date before February 21, 1983.

Respectfully submitted,

J. PAUL McGRATH
Assistant Attorney General

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ORDER

Upon consideration of defendant's Motion for a Hearing, and the entire record herein, it is hereby

ORDERED that defendant's motion is granted.

It is further ORDERED that plaintiff's motion for a protective order, defendant's opposition thereto and defendant's request that reasonable expenses -- including attorney's fees -- be assessed against plaintiff and his counsel, will be heard on _____, 1983, at _____ in Courtroom No. ____.

UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

I hereby certify on this 27th day of January, 1983, I have served the foregoing Defendant's Motion For a Hearing and a proposed Order, by first class mail, postage pre-paid to:

James H. Lesar, Esq.
Suite 900
1000 Wilson Boulevard
Arlington, Virginia 22209


HENRY J. LaHAIE