

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

FILED

DEC 21 1983

HAROLD WEISBERG,  
Plaintiff,

v.

FEDERAL BUREAU OF INVESTIGATION,  
Defendant.

JAMES F. DAVEY, Clerk

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


O R D E R

On May 18, 1983, defendant filed a motion under Fed.R.Civ.P. 37(b) (2) to dismiss these consolidated cases with prejudice as a sanction against plaintiff for his wilful refusal to comply with the Court's discovery orders of February 4 and April 13, 1983. Defendant also moved the Court to assess against plaintiff and his counsel reasonable expenses, including attorney's fees, that defendant incurred in prosecuting that motion. Upon consideration of plaintiff's opposition to those motions and after conducting a hearing thereon, the Court, on November 18, 1983, granted defendant's Rule 37(b) motion and dismissed these cases with prejudice. The Court also directed the defendant to submit documentation detailing the reasonable expenses, including attorney's fees, that it had incurred in prosecuting the Rule 37(b) motion. The defendant complied with that directive on December 2, 1983. Plaintiff filed an opposition to defendant's application for expenses on December 15, 1983.

Upon consideration of defendant's expense itemization and plaintiff's response thereto, the Court finds that the requested

award, including attorney's fees, is reasonable and fully documented. Accordingly, it is by the Court this 21<sup>st</sup> day of December, 1983

ORDERED (1) that defendant is awarded expenses under Fed.R.Civ.P. 37(b) (2) in the amount of \$1,053.55; (2) plaintiff and his counsel, James H. Lesar, shall pay said amount to the United States within twenty (20) days from the date of this Order; and (3) such payment shall be made by check payable to "Treasurer of the United States of America" and shall be sent to defendant's counsel.

  
United States District Judge