

1-27/83

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

HAROLD WEISBERG,
Plaintiff,

v.

FEDERAL BUREAU OF
INVESTIGATION,

Defendant.

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

_____ /

DEFENDANT'S APPLICATION
FOR ENTRY OF JUDGMENT

On April 28, 1983, the Court ordered the plaintiff to pay the defendant \$684.50. Such sum represented the reasonable expenses that were incurred by the defendant in obtaining an Order compelling plaintiff to file responsive answers to certain discovery requests that the defendant had propounded to him. As of this date, plaintiff has failed to remit that sum to the defendant.

On November 18, 1983, the Court granted defendant's Rule 37(b) motion and dismissed these consolidated cases with prejudice. The Court also awarded defendant the reasonable expenses that were incurred in prosecuting the dismissal motion and directed the defendant to submit documentation within fifteen days itemizing those expenses. The defendant complied with that directive on December 2, 1983. After considering defendant's expense itemization and plaintiff's response thereto, the Court, on December 21, 1983, ordered the plaintiff and his counsel to pay the defendant the sum of \$1,053.55. Such expense award was in

addition to the award of \$684.50 which the Court assessed against the plaintiff on April 28, 1983.

Inasmuch as the December 21, 1983 Order disposes of the last remaining issue in these cases, the defendant hereby applies, pursuant to Rule 58, F.R.Civ.P., for entry of a judgment that incorporates the dictates of that Order as well as the dictates of the Order of April 28, 1983.*/ The defendant also requests that such judgment recite that interest is due on the \$684.50 and \$1,053.55 sums. (See Rule 84 and Official Form 32 in the Appendix of Forms of the Federal Rules of Civil Procedure).

Respectfully submitted,

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Attorneys for the defendant.

*/ Defendant has not submitted a proposed judgment for the Court's consideration because Rule 58 specifically prohibits the submission of forms of judgment unless a court directs otherwise.

CERTIFICATE OF SERVICE

I hereby certify on this 27th day of December, 1983, I have served the foregoing Defendant's Application for Entry of Judgment, by first class mail, postage pre-paid to:

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


HENRY J. LAHAIE