



U.S. Department of Justice

February 27, 1984

Mrs. Sylvia Brown  
Deputy Clerk  
U.S. District Court for the  
District of Columbia  
Washington, D.C.

Re: Weisberg v. FBI, USDC, DC,  
C.A. Nos. 78-322 & 78-420

Dear Mrs. Brown:

I am writing as the attorney for the defendant in the above referenced cases.

Enclosed please find a copy of a letter that was sent to plaintiff's attorney, Mr. James H. Lesar, concerning his motion for a stay. Inasmuch as I received that motion after Judge Smith had denied it, it was not necessary to file an opposition. However, for purposes of the record, I request that you place the enclosed copy of the letter in the file of these cases.

If you have any questions about this matter, please contact me.

Sincerely,

HENRY I. LAHAIE  
Trial Attorney  
Federal Programs Branch  
Civil Division

cc: Mr. James H. Lesar  
Suite 900  
1000 Wilson Blvd.  
Arlinton, VA 22209



U.S. Department of Justice

February 27, 1984

James H. Lesar, Esq.  
Suite 900  
1000 Wilson Blvd.  
Arlington, VA 22209

Re: Weisberg v. FBI, USDC, DC,  
C.A. Nos. 78-322 & 78-420

Dear Jim:

I am writing as the attorney for the defendant in the above referenced cases.

On February 17, 1984, I received plaintiff's motion for a stay. (Although the certificate of service indicates that you served me on the 9th of February, the envelope containing the motion is postmarked February 15, 1984). Since I received Judge Smith's order denying your motion on February 16, 1984, it was not necessary to file an opposition with the Court. However, given your assertion in that motion that the government is using "highly unusual and highly reprehensible" tactics against you and your client to force settlement, a brief written response is in order.

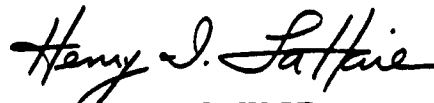
As you will recall, you wrote me on January 10, 1984, inquiring whether the defendant was willing to settle these cases by, inter alia, paying Mr. Weisberg his costs of \$2,200. I responded by calling you on January 13, 1984, and indicating that we could not agree to settlement on those terms. During the course of that conversation, I mentioned to you, as a matter of professional courtesy, that I was going to be filing a motion to amend the judgment so that it would be consistent with the Court's Order of December 21, 1983, and with the provisions of 28 U.S.C. §1961 and Official Form 32 of the Federal Rules of Civil Procedure. I also inquired at that time whether you and/or Mr. Weisberg were going to comply with the Court's orders directing the payment of \$1,053.55 and \$684.50 to the defendant as sanctions under Rule 37, F.R.Civ.P. When you replied that neither of you were going to obey those orders, I indicated that I would then have no choice but to execute on the judgment, if amended to reflect the dictates of the Court's December 21st Order. Moreover, I explicitly told you that inasmuch as Mr. Weisberg is not a resident of the District of Columbia, we would be unable to

execute on the judgment as to him until his appeals have been exhausted (see 28 U.S.C. §1963), but that since you are a resident of the District, we could begin execution proceedings against you immediately and that it was our intention to do so. I then, once again, requested that you remit the money that you owe under the December 21 Order so that it would not be necessary to execute against you.

Given those statements to you, I do not understand how you can misrepresent to the Court that we are using "strongarm tactics" against you to force plaintiff to settle these cases. Not only is executing on a judgment hardly a strongarm tactic, but, as I indicated to you before, we would execute on the judgment against Mr. Weisberg if we could and we will definitely do so once he has exhausted his appeals.

Finally, I encourage you once more to remit the \$1,053.55 that you owe the defendant, thereby obviating the inconvenience to you and the government that would be entailed in executing on the January 30, 1984 judgment.

Sincerely,



HENRY I. LaHAIE  
Trial Attorney  
Federal Programs Branch  
Civil Division

cc: U.S. District Clerk