

Excusable Neglect

On May 26, 1985, Weisberg sent this new evidence, with explanatory memoranda, to his then counsel. He told Weisberg that he would use the new evidence on remand, but he ~~did not~~ did not. That was within the one-year limit of the first three clauses. With regard to those first three clauses, Weisberg believes that because his counsel did not make use of this new evidence, ~~that~~ because Weisberg is not a lawyer and had no knowledge of the provisions of the Rules, ~~although~~ because he ^{lacked} legal knowledge there was no neglect on his part, under the rule, because he depended on his counsel, this constitutes excusable neglect, within the meaning of those precedents he cited earlier as tolling the one-year limit.