The district court and the defendants present two opposing interpretations of Standard Oil Co. of California v United States on the question of whether or not Weisberg was correct in not raising that question before the distroct court during the appeal. In its footnote (page 6), the district court lays a false basis for its interpretation, pretending first that the judgement was not before the appeals court and that only the affirmed dismissal was, which is not true, and then what also is not true, that there was no substantive change in the judgement, which the defendants sort to increase by about five times.and was not granted. The changing of the judgement to remove the judgement from Lesar is a substantive change. However, the defendants' Opposition of July 22, 1985 says that under the very same decision ~~a district court cannot consider a Rule 60(b) motion~~ that "(a) District Court only has authority to consider a Rule 60(b) motion after an appellate court has ruled on a matter if the motion presents material not before the appellate court." The appellate court does not ~~entertain~~ accept new evidence under this rule until it has been before the district court. What the defendants state is what Weisberg was counselled after he received the new evidence.