

IN THE  
UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA

RECEIVED  
FEB 13 1980  
CLERK OF THE UNITED  
STATES COURT OF APPEALS

HAROLD WEISBERG, :  
 :  
 Plaintiff-Appellant :  
 :  
 v. : Case No. 79-1700  
 :  
 CLARENCE M. KELLEY, ET AL., :  
 :  
 Defendants-Appellees :

MOTION FOR LEAVE TO FILE REPLY BRIEF TWO DAYS LATE

Comes now the appellant, Mr. Harold Weisberg, and moves the Court for leave to file his Reply Brief two days late. In support of his motion, appellant represents to the Court as follows:

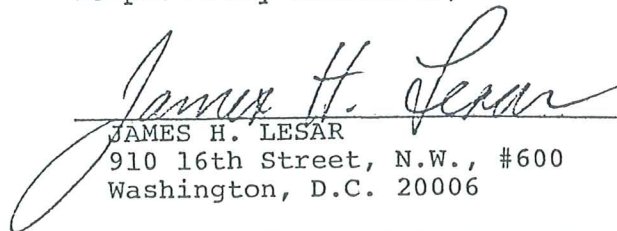
1. His Reply Brief was due on Monday, February 11, 1980.
2. Because of prior commitments in other cases, the undersigned counsel was unable to begin work on the Reply Brief until Friday evening, March 8, 1980. Counsel worked several hours on Saturday and Sunday. Most of Monday, February 11, was spent working on the Reply Brief. However, there were several interruptions which impeded work. In an attempt to finish the brief before midnight, February 11, counsel remained at his office and worked on the brief all Monday evening. About 10:30 p.m. counsel received a long distance phone call from his father informing him that an

uncle had died as a result of an automobile accident. Shortly thereafter counsel went home for the evening. Work on the Reply Brief continued on Tuesday, February 12, and the brief was finally finished at 2:00 a.m. Wednesday morning.

3. The brief took longer to complete than anticipated because of a number of blatant factual errors in appellees' brief which counsel felt it necessary to point out and correct. For example, appellees' brief asserted that appellant had raised an issue for the first time on appeal, when in fact that issue was raised both in appellant's opposition to the Government's motion for summary judgment and at oral argument. In order to correct such misstatements, counsel had to spend much time checking the record in this case. For example, the Government's misrepresentation that the underlying documents in this case had been timely classified forced counsel to re-read all four FBI affidavits submitted to the Court below and to examine some of the underlying documents.

For the foregoing reasons, appellant asks that the Court grant him leave to file his Reply Brief two days late.

Respectfully submitted,

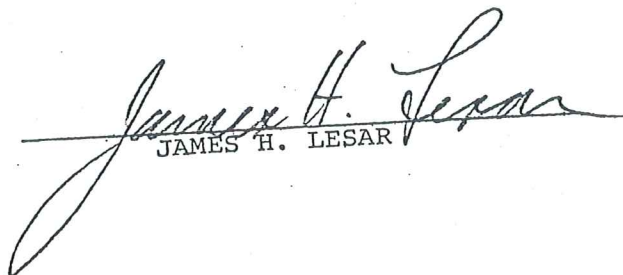


JAMES H. LESAR  
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Attorney for Plaintiff-Appellant

CERTIFICATE OF SERVICE

I hereby certify that I have this 13th day of February, 1980 hand-delivered a copy of the foregoing Motion for Leave to File Reply Brief Two Days Late to the office of Assistant United States Attorney John Terry, Room 2830, United States Courthouse, Washington, D.C. 20001.

  
JAMES H. LESAR

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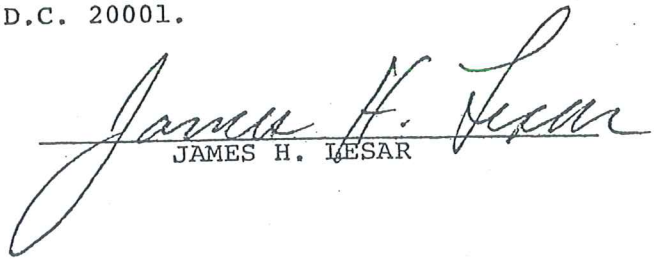
v.

CLARENCE M. KELLEY, ET AL.,  
Defendants-Appellees

Case No. 79-1700

CERTIFICATE OF SERVICE

I hereby certify that I have this 13th day of February, 1980 hand-delivered two copies of Appellant's Reply Brief to the office of Assistant United States Attorney John Terry, Room 2830, United States Courthouse, Washington, D.C. 20001.

  
JAMES H. LESAR