

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

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STATES COURT OF APPEALS

HAROLD WEISBERG, :
 :
 Plaintiff-Appellant :
 and Cross-Appellee :
 :
 v. : Nos. 82-1229
 : and 82-1274
 U.S. DEPARTMENT O JUSTICE, :
 :
 Defendant-Appellee :
 and Cross-Appellant :

REVISED CONSENT MOTION TO CONSOLIDATE APPEALS,
DISPENSE WITH DESIGNATION OF THE RECORD, SET BRIEFING
SCHEDULE, AND USE DEFERRED APPENDIX PROCEDURE

Plaintiff-Appellant and Cross-Appellee Harold Weisberg and
Defendant-Appellee and Cross-Appellant U.S. Department of Justice
jointly request this Court

- (1) to consolidate these appeals with No. 83-1722 and
No. 83-1764;
- (2) to dispense with designation of the record under Rule
10(b), F.R.A.P.;
- (3) to permit the deferred appendix procedure of Rule 30(c),
F.R.A.P., to be followed, and
- (4) to set the following times for filing of briefs:
Appellant's brief of plaintiff Weisberg: October
14, 1983
Appellee's/Cross-Appellant's brief of defendant
Department: November 14, 1983

Appellant's reply brief and Cross-Appellee's
Brief of plaintiff Weisberg: December 14, 1983

Cross-Appellant's reply brief of defendant Depart-
ment: December 28, 1983

This motion is the same as the consent motion filed with the Court of July 15, 1983, except that the briefing schedule has been retarded by a period of thirty days. The reasons for revising the proposed briefing schedule are as follows:

1. The parties are presently engaged in settlement negotiations. Although the initial positions of the parties are far apart, the door to settlement has not yet been closed. Additional time is needed to further explore this possibility.

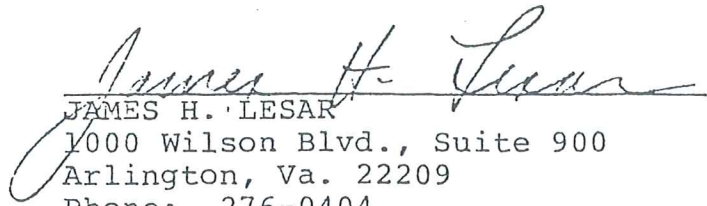
2. The vacation plans of plaintiff's counsel have been altered because of a change in the date of a family reunion to be held in Jerseyville, Illinois, which has been moved from August 21 to August 28, 1983. As a result, plaintiff's counsel will now be on vacation from August 27 to September 5, 1983, instead of the last two weeks of August as earlier planned.

3. Plaintiff's counsel is presently under very heavy demands on his time. These demands include a main brief for the appellant in Allen v. Central Intelligence Agency, D.C. Circuit No. 83-1529, which is due to be filed in this Court August 22, 1983, and extensive discovery proceedings in an age discrimination case, Prouty v. Amtrak, Civil Action No. 82-2277, which have far exceeded the initial expectations of the parties (last week the plaintiff in Prouty was deposed for four days, more than twice as long as originally antici-

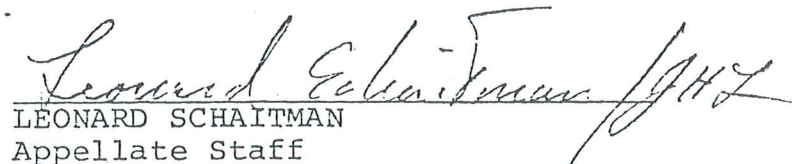
pated).

For the foregoing reasons, the parties jointly ask this Court to grant their consent motion as revised.

Respectfully submitted,


 JAMES H. LESAR
 1000 Wilson Blvd., Suite 900
 Arlington, Va. 22209
 Phone: 276-0404

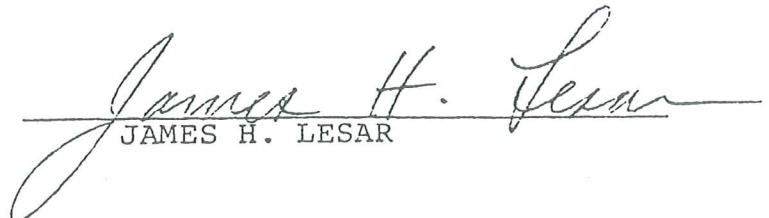
Attorney for Weisberg


 LEONARD SCHAITMAN
 Appellate Staff
 Civil Division, Room 3617
 Department of Justice
 Washington, D.C. 20530

Attorney for the Department of
 Justice

GERTIFICATE OF SERVICE

I hereby certify that I have this 16th day of August, 1983, mailed a copy of the foregoing Revised Consent Motion to Consolidated Appeals, Dispense With Designation of Record, Set Briefing Schedule, And Use Deferred Appendix Procedure to Mr. Leonard Schaitman, Appellate Staff, Civil Division, U.S. Department of Justice, Washington, D.C. 20530.


 JAMES H. LESAR