

HAROLD WEISBERG,

Appellant/Cross-Appellee

U.S. DEPARTMENT OF JUSTICE,

Appellee/Cross-Appellant.

No. 82-1229, 82-1234
83-1722, 83-1754
(Consolidated)

APPELLEE/CROSS-APPELLANT'S MOTION FOR AN
EXTENSION OF TIME IN WHICH TO FILE OPENING BRIEFS

Defendant-appellee/cross-appellant Department of Justice hereby moves the Court for an extension of time to and including March 11, 1985, for the parties to file their opening supplemental briefs in the above-captioned case. In support of this motion, defendant states the following:

1. The opening briefs were originally due on February 25, 1985. Plaintiff has filed a motion for an extension of the parties' briefing time to and including March 4, 1985; defendant did not oppose this motion. To defendant's knowledge, the Court has not yet acted upon plaintiff's motion.

2. The Court's order of February 4, 1985, raises novel issues under a statute of recent origin. In light of the complexity of the questions and the relative dearth of case law, additional time is required for defendant to formulate its response to the Court's jurisdictional inquiry.

This motion, is currently working on the following assignments:
(1) City of Oakland v. Donovan, 9th Cir. No. 84-2557
(appellant's brief due on March 1, 1985); (2) Green v.
Department of Labor, 3th Cir. Nos. 84-5217 and 84-5230
(appellee's brief due on March 8, 1985). In light of these
pressing assignments, Mr. Koppel requires an extension of time
to file defendant's opening supplemental brief in the instant
case.

4. Counsel for plaintiff has authorized us to state that he
has no objection to this motion.

For the foregoing reasons, defendant-appellee/cross-
appellant Department of Justice hereby requests the Court for an
extension of the parties' time to file their opening supple-
mental briefs in the above-captioned case, to and including
March 11, 1985.

Respectfully submitted,

LEONARD SCHAITMAN (202) 633-3441

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U.S. Department of Justice
Washington, D.C. 20530

HAROLD WEISBERG,

Appellant/Cross-Appellee

v.

U.S. DEPARTMENT OF JUSTICE,

Appellee/Cross-Appellant.

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) No. 82-1229, 82-1274
) 83-1722, 83-1764
) (Consolidated)
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MOTION TO WAIVE LOCAL RULE 8(h)

Defendant-appellee/cross-appellant Department of Justice hereby moves the Court to waive local rule 8(h). In support of this motion, defendant states the following:

1. Counsel for plaintiff has been notified of this motion, and has no objection.

2. The substantive grounds for this motion are set forth in the accompanying motion for an extension of time.

Respectfully submitted,

LEONARD SCHAITMAN (202) 633-3441

JOHN S. KOPPEL (202) 633-5459
Attorneys, Appellate Staff
Civil Division, Room 3633
U.S. Department of Justice
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HAROLD WEISBERG,)	
)	
Appellant/Cross-Appellee)	
)	No. 82-1229, 82-1274
v.)	83-1722, 83-1764
)	(Consolidated)
U.S. DEPARTMENT OF JUSTICE,)	
)	
Appellee/Cross-Appellant.)	
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CERTIFICATE OF SERVICE

I hereby certify that on this 1st day of March, 1985, I served the foregoing Appellee/Cross-Appellant's Motion To Waive Local Rule 8(h) upon counsel involved, by causing copies to be mailed, postage prepaid, to:

James H. Lesar, Esquire
1000 Wilson Boulevard
Suite 900
Arlington, Virginia 22209

JOHN S. KOPPEL
Attorney, Appellate Staff