

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA

HAROLD WEISBERG,
Appellant,

v.

U.S. DEPARTMENT OF JUSTICE,
Appellee

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Case No. 87-5304

MOTION FOR LEAVE TO FILE REPLY TO
SUPPLEMENTAL BRIEF FOR APPELLEE

The Appellant, Harold Weisberg, moves this Court for leave to file a reply to appellee's supplemental brief. As grounds for his motion, he represents as follows:

1. By order issued April 15, 1988, the day following oral argument of this case, this Court ordered appellant to file a brief addressing the necessity of a remand of the contingency enhancement issue in this case under Pennsylvania v. Delaware Valley Citizens' Council for Clear Air, 107 S. Ct. 3078 (1987) on or before April 25, 1988; appellee was given until May 2, 1988 to brief the same issue. This Court's order specified that no further briefs were to be filed without leave of court.

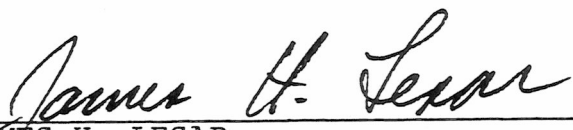
2. Appellee's supplemental brief contains speculations and erroneous statements which appellant believes should be corrected. Unless appellant is permitted to reply to such statements, this Court may accept such errors or assume that they are unchallenged by appellant. In order to refute some of appellee's statements, appellant has spent some time compiling relevant statistics from

official sources which he believes may be helpful to the Court.

3. Appellant submitss herewith the requisite number of copies of the reply brief he seeks to file with the Court.

Accordingly, appellant requests that his motion for leave to file his reply to appellee's supplemental brief be granted.

Respectfully submitted,

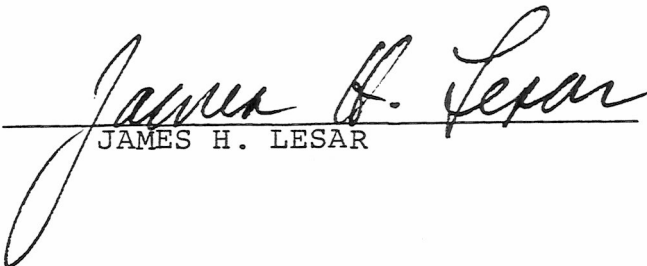


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CERTIFICATE OF SERVICE

I hereby certify that I have this 12th day of May, 1988, mailed a copy of the foregoing Motion for Leave to File Reply to Supplemental Brief for Appellee to Mr. Scott R. McIntosh, Appellate Staff, Civil Division, Room 3614, U.S. Department of Justice, Washington, D.C. 20530.



JAMES H. LESAR