

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

ROGER B. FEINMAN,

Plaintiff,

-v-

THE UNITED STATES DEPARTMENT
OF JUSTICE,

Defendant.

Civil Action No.

79 C 1537 (ERN)

NOTICE OF CROSS-MOTION

(F.R.Civ.P 56, 15, 6(b))

S I R S :

PLEASE TAKE NOTICE that upon the annexed affidavit of Roger B. Feinman, and upon the motion papers pursuant to Rule 56 of the Federal Rules of Civil Procedure, submitted by defendant United States Department of Justice, and upon all the pleadings heretofore had herein, plaintiff Roger B. Feinman will move this Honorable Court on December 1, 1980 in Courtroom 2, United States Courthouse, 225 Cadman Plaza East, Brooklyn, New York at 9:15 o'clock in the forenoon of that day, or as soon thereafter as counsel or the parties can be heard, for an order pursuant to Rules 56, 15 and 6(b) of the Federal Rules of Civil Procedure, granting summary judgment in this action in favor of plaintiff Roger B. Feinman and against the defendant herein upon the ground that there is no genuine issue of material fact and that plaintiff is entitled to such judgment as a matter of law enjoining defendant from withholding records responsive to his Freedom of Information Act request of May 25, 1976 and reference to whether any such records have been destroyed or otherwise disposed of, and ordering defendant to release same to him immediately; granting him leave to amend his within complaint to incorporate defendant's failure to release to him records requested from its Criminal Division Inventory, enjoining defendant from withholding such records and ordering the immediate release of same; retaining jurisdiction to monitor defendant's compliance with the requested judgment; relieving him of the time limit of Rule 59(e) of the F.R.Civ.P for the purpose of bringing on a motion pursuant to 5 U.S.C. §552(a)(4)(F); and granting to him such other and further relief as to

the Court may seem just, proper and equitable, together with costs.

Yours, etc.

DATED: New York, New York

November 17, 1980

Roger B. Feinman

Roger B. Feinman
Plaintiff pro se
142-10 Hoover Avenue
Apartment 404
Jamaica, New York 11435
(212) 526-2362

TO: EDWARD R. KORMAN
United States Attorney
Eastern District of New York
Attorney for Defendant
225 Cadman Plaza East
Brooklyn, New York 11201
(By AUSA Richard H. Dolan
File No. 792,778)

The Honorable BENJAMIN R. CIVILETTI
Attorney General of the United States
United States Department of Justice
Washington, D.C. 20530

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STATEMENT PURSUANT TO RULE 9(g)

Roger B. Feinman
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142-10 Hoover Avenue
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