

5/15/83

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

HAROLD WEISBERG,	)	
	)	
Plaintiff-Appellant and	)	
Cross-Appellee,	)	
	)	
v.	)	Nos. 83-1363, 83-1380
	)	
U.S. DEPARTMENT OF JUSTICE,	)	
	)	
Defendant-Appellee and	)	
Cross-Appellant.	)	
	)	

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RESPONSE OF DEFENDANT-APPELLEE AND CROSS-APPELLANT  
TO MAY 19, 1983 SHOW CAUSE ORDER AND STATUS  
REPORT REQUIRED BY APRIL 26, 1983 ORDER

In response to this Court's show cause order of May 19, 1983, incorporating the Court's April 26, 1983, order requiring a status report, defendant-appellee and cross-appellant United States Department of Justice (the Department) states as follows:

1. As we explained in our April 14, 1983, Consent Motion to Stay Proceedings in this appeal and cross-appeal, we requested a stay "[o]ut of an abundance of caution . . . lest the pending reconsideration motion [filed by the plaintiff in the district court] be construed to be partially or totally ineffective, or the January 21, 1983, order [of the district court] be otherwise construed as final and appealable."

2. On April 29, 1983, after this Court granted our stay motion, the district court denied the pending reconsideration motion, which concerned plaintiff's request for a consultancy fee for his alleged assistance to the government in this litigation, and also ruled on what appears to be the last remaining issue in the case the reasonability of plaintiff's request for litigation costs.

3. It is likely that the Department will be appealing from the April 29 order, once relevant government personnel have had an opportunity to review it, and will also be moving to consolidate that appeal with the existing ones in this case, so that the Court will then have before it all the issues of concern here.

4. In light of the district court's new ruling and the appeal and consolidation motion which are likely to follow in short order, we suggest that the Court need not take further action on the existing appeals at this time but can instead leave them in abeyance in the interim.

Respectfully submitted,

  
LEONARD SCHAITMAN (202) 633-3441

  
MARILYN S.G. URWITZ (202) 633-3469

CERTIFICATE OF SERVICE

I hereby certify that on this 25th day of May, 1983, I served the foregoing Response of Defendant-Appellee and Cross-Appellant to May 19, 1983 Show Cause Order and Status Report Required by April 26, 1983 order, upon opposing counsel by causing a copy to be mailed, first-class postage prepaid, to

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MARILYN S.G. URWITZ