

Memo on handing papers to Werdig at about 3:35 p.m. 2/16/71

I went to Werdig's office at about 3:35 p.m. , after filing the ribbon and a carbon copies of my Opposition and renewal of motion. The first thing I saw was a little boy sitting almost opposite the door. As I entered I saw Werdig sitting behind his desk, apparently doing nothing in particular. He was not busy.

Before I could say anything he/ said, approximately, "I was just getting ready to ~~xxxxxx~~ phone you. Mr. Weisberg."

I said that with the papers due that day (and with the deadline less than a half-hour away), "It wouldn't have done me any good. I'd have defaulted."

He then began to almost mumble, and I could make only part of it out,

"Oh, no; nothing like that," and his voice trailed off. He did not say he had asked for or gotten me an extension of time, and I had checked the docket before going up. There was no extension of time recorded.

From there I went to Miss Brown's office and gave her the letter I had written, explaining that I was sorry to burden her, but as I set forth in the letter, I feared Werdig was taking advantage of me, and I told her of his call 2/11. She said she was almost certain he had asked for an extension. I said he hadn't phoned me. She checked some papers across the room and confirmed that there was an "informal" request for an extension of a week. With it not recorded, and with his promise to me, unsolicited, that he'd get me 30 days, the net result would have been a default if I'd taken his word and used the time, as well I could, for reorganization and simplification of the papers, which I could not do in a week.

Miss Brown said he should have told me. I said I was never away from the phone and he hadn't.

This is subject an even more sinister interpretation, should one be looking for something like that. First, he does it all informally. Then it is not recorded in the docket book. Then he doesn't tell me he's gotten me a week or so rather than the 30 days on which he'd almost insisted. Then after this new extension (of which I have no knowledge), I do not file the papers in time and I'm in default, looking even worse because it is the second extension. And he, who is responsible for all the delays, looks like the nicest kind of adversary.