

Dear Mr. Lynch,

7/15/84

Your silence worries me because you did not ask for enough time for meaningful consultation and because the time you asked for can effectively prevent inclusion in your reply brief of what I believe, based on my own extensive experience in the courts on this subject matter, is essential. There also appears to be a serious difference between us on the question of moving to expunge. Again based on my experience, I believe this is essential and there is basis for it in the case record, where I asked the district court to determine whether or not they lied, as they did often. I mean more than misrepresenting, I mean overt lying. No plaintiff, leave alone an unpopular plaintiff, can hope to survive this practise in the courts, particularly because of its cumulative influence on the courts.

It is not possible for me to send this special delivery because of the local postal situation, but I will take it into town and get it in tonight's outgoing mail, which can delay it by going first to Baltimore.

I ask that you request an additional extension of time. I think you can explain this adequately by reporting the fact that the copy of the government's brief was delayed in reaching me, as it was, and the distance between us, which made it impossible for me to go to your office and confer with you.

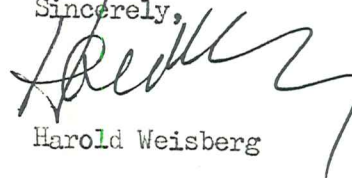
I recognize that you have had your experiences and have formed your opinions based on them, but I also have had my own and different experiences. I look back, for example, on what I asked you to include in your brief and you didn't. With what is in the government's brief I believe that if you had included it, whether or not you would have prevented their lying, at the least both versions would have been before the court. These are not really academic matters as I see them. I know ~~what~~ what happened in my other litigation.

I am sorry that you have not seen fit to confer or consult with me before drafting anything. One of the two things I asked for to begin with is to have some input. The other was a vigorous handling. And while I have a high opinion of what you did in your brief, as I believe I told you, I also think that with only an inconsequential added length it could have been enormously improved and anticipated some of the serious problems I now face. By anticipated I also mean perhaps avoided them.

While I have no scheduled medical appointment this coming week other than two blood tests that will be over before the beginning of the usual working day, I do have what will occupy me at home, a serious matter for me that I should have gotten to today and couldn't. So, if you call, it may take a few minutes for me to get to the phone. We have about 150 large and beautiful pine trees that suddenly were infested with borers. They require spraying, along with the surrounding earth, three times, at monthly intervals. And they are scattered over our five acres. I can just about use up a sprayer full before I have to rest, and if it is not too hot and too humid that is what I'll be doing beginning tomorrow and probably for the rest of the week. Absent something unusual I'll be back from my morning walking therapy by 10:30 daily.

If you want to discuss the enclosures with Jim, I'm mailing him a set when I mail this.

Sincerely,



Harold Weisberg