

105/72 #43229

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

HAROLD AND LILLIAN WEISBERG, :  
  : Plaintiffs :

v. :

: CIVIL ACTION NO. 16392

UNITED STATES OF AMERICA, :  
  : Defendant :

: :

ANSWERS TO INTERROGATORIES

Plaintiffs, by their attorney, Harvey R. Clapp, III  
and Venable, Baetjer and Howard, hereby respond to Interrogatories  
of Defendant, as follows:

1. Approximately June 1, 1950 to January, 1964.
2. April 19, 1961 through January 3, 1964.
3. (a) 
 

1956 -	\$15,655.69
1957 -	15,468.16
1958 -	16,027.41
1959 -	13,796.90
1960 -	14,178.45
1961 -	14,820.20
1962 -	18,595.37
1963 -	23,306.55
1964 -	4,252.15
1965 -	632.91

(b) There are no records detailing exactly the  
income from the sources mentioned in Interrogatory No. 3(b).  
However, it is estimated that the revenues from the sale of eggs  
for each of these years was:

1956 - \$	5,623.30
1957 -	5,666.26
1958 -	6,527.25
1959 -	6,126.15
1960 -	7,516.55
1961 -	7,600.00
1962 -	3,536.07
1963 -	4,775.42
1964 -	0
1965 -	0

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The income from the sale of poultry was as follows:

1956 - \$	9,126.08
1957 -	8,846.40
1958 -	9,278.89
1959 -	7,355.25
1960 -	6,631.68
1961 -	6,350.49
1962 -	14,356.76
1963 -	17,974.75
1964 -	1,983.02
1965 -	107.85

Net profits, after depreciation, were as follows:

1956 - \$	[1,152.15]
1957 -	1,008.19
1958 -	1,239.20
1959 -	1,149.76
1960 -	2,706.72
1961 -	1,860.06
1962 -	2,228.16
1963 -	1,315.06
1964 -	[3,480.02]
1965 -	[1,931.04]

In response to question 3(c)(ii) see lines 11 through 16 of Schedule A attached hereto. Answer 3(c)(iii) see line 14 of Schedule A attached hereto. Repairs and maintenance were primarily incurred as a result of helicopter over-flights in an attempt to insulate the chicken houses and to repair the damages which occurred as a result of the over-flights.

4. (a) See line 23 of Schedule A attached hereto.

(b) See line 24 of Schedule A attached hereto.

5. The farm never achieved a normal poultry and egg production level due to the constant over-flights of helicopters and sonic booms.

6. (1) George Price (deceased).

(2) Horace Thompson (deceased)

(3) Lawrence Plummer - unknown

(4) John Ingraham - unknown

(5) Ella Mae Martin - near Earleysville, Virginia

(6) Oscar Summers - Jamesville, Maryland

(7) Harry Plummer - unknown

(8) Elmer Plummer - unknown

7. (a) through (c) - See attached Schedule B.

(d) All observations were made by one or both of the Plaintiffs.

(e) The chickens would become hysterical, inflicting damage on themselves and other chickens by pressing in small areas. Often they would eat other chickens and sometimes themselves. This would result in death or serious injury to large numbers of the chickens. Chickens damaged in this manner were for all practical purposes unsaleable.

(f) Constant reports were made to various authorities including Major Chamberlain of the Military District of Washington; Col. Low, Aviation officer for the Asst. Sec. of Army for Fiscal Management; Col. Leahy of the Judge Advocates General and Claims Officer of Ft. Detrich; Captains Van Voris and Chucala from Ft. Meade; Major Freeman a designated Air Force Officer; Cols. Coggis and Taylor of the Army Judge Advocate General; Mr. McNaughton of the Defense Department; a Major Doster of the White House (Sterling 3-0333); Secretary of Defense McNamara; and regular reports to Walter Herbert Morse, Office of General Counsel, Department of Defense. Copies of all extensive correspondence and other records have been made available to the Government. *Claims have been filed.*

8. I.

(a) and (b). There are no records stating the exact number of chickens which died as a direct result of the over-flights or sonic booms. These records were not kept since the keeping of such records would have taken unreasonable amounts of time and efforts

(c) The monetary loss suffered varied from 25¢ for a young meat chick to \$9 for an unusually large meat chicken. The chickens were valued at 90¢ per pound and some of the meat chickens who were killed were as large as 10 pounds.

(d) There were no substantial other causes which may have contributed to the damage described above to such chickens.

8. II.

(e)(i)(ii)(iii) See Schedule C attached hereto.

(f) No substantial cause is known that might have contributed to the loss described above.

(g) See Schedule C attached hereto.

8. III.

(h-1) The over-flights and sonic booms and other disturbances which began in 1955 caused constant reduction in the production of the farm and ultimately forced the termination of the business. It is estimated that based on the capacity of the farm in 1962 and 1963, that the profits from the farm operations would have been approximately \$35,000 to \$40,000 per year. However, since the over-flights, sonic booms and other disturbances forced the Plaintiffs to discontinue the operation of the farm, it is contended that they have suffered the loss of their entire business, which capitalized at a rate of ten times the earnings capacity would be \$350,000 to \$400,000.

9. (a) Plaintiff has within his possession innumerable books, papers, records and documents, all of which have been made available to the Government. The Government has made copies of such records that they felt necessary for their purposes.

10. The over-flights, sonic booms and other disturbances and the Government's response to Plaintiff's complaints about said occurrences have caused serious physical and emotional injury to the Plaintiffs, more particularly, both the Plaintiffs have suffered acute and chronic anxiety. These occurrences and their consequences have caused a definite fixation which has amounted to a phobic reaction to helicopters and planes in general. The exact amount of monetary loss and damages as a result of this damage is unknown at this time.

11. Plaintiffs are not responding to this question since it is repetitive. It asks for the same information given in the answer to question 7.

12. The information requested by this question 12 has already been furnished to Captain Taylor.

13. The physical evidence has already been made available to Mr. Ransom Davis, of the United States Attorney's office.

14. Affidavits have been taken and supplied to Captain Van Voris. These have previously been offered to the Assistant U.S. Attorney and he has stated that he did not want them since he already had copies of them.

15. Unknown at this time.

16. Unknown at this time.

\_\_\_\_\_  
Harvey R. Clapp, III

\_\_\_\_\_  
Harold Weisberg

\_\_\_\_\_  
Lillian Weisberg

Plaintiffs

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Venable, Baetjer and Howard  
1800 Mercantile Bank and Trust Bldg.  
2 Hopkins Plaza  
Baltimore, Maryland 21201  
752-6780

Attorneys for Plaintiffs

STATE OF MARYLAND)

TO WIT:

COUNTY OF )

I HEREBY CERTIFY, That on this \_\_\_\_\_ day of  
October, 1972, personally appeared Harold Weisberg and  
Lillian Weisberg, and they made oath in due form of law  
that the matters and facts stated in the foregoing Answers  
to Interrogatories are true and correct to the best of their  
knowledge, information and belief.

AS WITNESS my hand and Notarial Seal.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing  
Answers to Interrogatories was mailed on this \_\_\_\_\_ day  
of October, 1972, postage prepaid, to Ransom J. Davis, Esq.,  
Assistant United States Attorney, Post Office Building,  
Baltimore, Maryland 21202.

\_\_\_\_\_  
Harvey R. Clapp, III

Attorney for Plaintiffs