IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF COLUMBIA

HAROLD WEISBERG
Route 8
Frederick, Maryland

Plaintiff

v.

U.S. DEPARTMENT OF JUSTICE
10th & Constitution Ave., N.W.
Washington, D.C.

and

U.S. DEPARTMENT OF STATE
Virginia Ave., N.W.
Washington, D.C.

Defendants

Civil Action No. 718-70

PLAINTIFF'S MOTION TO HAVE COMPLAINT MOVED TO HEAD OF DOCKET

1. On March 11, 1970, Plaintiff filed this action under P.L. 89-487; 5 U.S.C. 552.

2. Pursuant to Rule 56 of the Federal Rules of Civil Procedure and Rule 9(h) of this Court, on March 31 Plaintiff moved for Summary Judgment in its favor on the ground that the material facts, as to which there is no genuine issue, show that Plaintiff is entitled to judgment as a matter of law.

3. On April 8, 1970, Defendants moved for an extension of time until May 8, as Plaintiff would not stipulate any extension.

4. Defendant's motion for an extension of time has not been acted upon by the Court as of the date of the preparation of this motion.

5. Under Rule 56 of the Federal Rules of Civil Procedure and Rule 9(h) of this Court, Defendant had only until April 11 to answer the Motion for Summary Judgment

Wherefore, Plaintiff renews his motion for Summary Judgment, urges the Court to give no extension of time for answer past May 5 (as requested by Defendant), and asks that the Plaintiff's Motion for Summary Judgment be given precedence on the docket and be set down for hearing "at the earliest practicable date and expedited in every way," as provided by statute.

BERNARD FENSTERWALD, JR.
927 15th St., N.W.
Washington, D.C. 20005
Tel. 347-2919
ATTORNEY FOR PLAINTIFF

Dated: _____

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing Motion of Plaintiff to Have Complaint Moved to Head of Docket and accompanying Memorandum of Points and Authorities were mailed, postage prepaid, this 28thday of April, 1970, to Mr. Thomas Flannery, U.S. Attorney, U.S. Court House, Washington, D.C.; the Honorable William P. Rogers, Secretary of State, Department of State, Washington, D.C.; and the Honorable John Mitchell, Attorney General of the U.S. Department of Justice, Washington, D.C.

BERNARD FENSTERWALD, JR.