

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

HAROLD WEISBERG and
LILLIAN WEISBERG,

Plaintiffs

v.

UNITED STATES OF AMERICA,

Defendant.

CIVIL ACTION

No. 16392

: :

MOTION FOR DISCOVERY UNDER
RULE 34
FEDERAL RULES OF CIVIL PROCEDURE

Plaintiffs herein, pursuant to Rule 34 of the Federal Rules of Civil Procedure, hereby request the following information to be made available to them by the United States, defendant herein. (The job descriptions are those occupied in 1963 and 1964.)

1. The current addresses of the following individuals:

(a) Captain Victor Van Voris who was assigned to the 2nd Army Judge Advocate General at Fort Meade, Maryland.

(b) The enlisted man who also was a lawyer, who accompanied Captain Van Voris to plaintiffs' farm in Hyattstown in July 1963.

(c) Captain Stephen Chucala who was assigned to office of the Judge Advocate General at Fort Meade, Maryland.

(d) Col. William H. Blackmarr, JAGC, Army Staff Judge Advocate, Fort Meade, Maryland.

(e) Col. Robert Low, the officer in charge of aviation affairs for the Assistant Secretary of the Army for fiscal management at the Pentagon.

(f) Col. Coggins who was assigned to the Judge Advocate General's Office at the Department of Army.

(g) General Clark who was assigned to the Judge Advocate General's Office in the Pentagon.

(h) Col. Paul J. Leahy, Chief U.S. Army Claims Office of the Judge Advocate General.

(i) Major Chamberlain of the Aviation Office for the Military District of Washington.

(j) Major Doster, USMC, who was assigned to the White House Helicopter Detail.

(k) Col. C. C. Taylor, Army Judge Advocate General's Office in the Pentagon.

2. The following documents and records:

(a) ALL files, memoranda and records pertaining to the matter under dispute compiled by each of the individuals mentioned in Section 1 hereinabove.

(b) A transcript of meeting held in March 1964 in the Pentagon attended by Mr. Weisberg, Peter R. Taft, Esq. and Walter Herbert Morse of the General Counsel Office of the Department of Defense, and Col. Leahy, with stenographic notes taken at that meeting.

(c) The entire files pertaining to this matter compiled by Mr. Morse, including, without limitation, correspondence, reports of investigations, maps, photographs and memoranda of conferences and telephone calls. (This matter is sometimes referred to by the United States Army Claims Service by the following Number: JAGD 62-10189.)

(d) Reports of investigations made by and affidavits taken by any government agent including investigations by the Federal Bureau of Investigation.

(e) Any photographs of property owned by the Plaintiffs taken by government agents investigating this claim or similar prior claims by these Plaintiffs.

(f) Any reports or memoranda, published or unpublished, compiled by or on behalf of the Government, concerning the effects of noise on poultry and humans.

(g) Any notes or memoranda taken or made by those present at a May 1962 meeting at the Pentagon, whether made at that meeting or thereafter, between Mr. Weisberg, Mr. Morse and representatives from the Army, Navy and Air Force (both JAG and operational personnel) including Col. Taylor and Col. Bowers of the Air Force JAG and Major Chamberlain.

(h) Any directive and investigation regarding the effect of aircraft overflights on Plaintiffs' poultry farm made by Col. Low.

15/ Harvey R. Clapp, III
Harvey R. Clapp, III
Venable, Baetjer and Howard
1800 Mercantile Bank and Trust Bldg.
2 Hopkins Plaza
Baltimore, Maryland 21201
752-6780

Attorney for Plaintiffs

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, That on this 12th day of December, 1972, a copy of the foregoing Motion for Discovery was hand delivered to Ransom J. Davis, Esq., Assistant U.S. Attorney, Post Office Building, Baltimore, Maryland 21202, attorney for Defendant.

15/ *Harvey R. Clapp III*
Harvey R. Clapp, III

Attorney for Plaintiffs