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CAHN & PROVENSAL
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LEON S. CAHN
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November 21, 1967

#17-075-15

Mr. Alvin J. Bronstein, Chief Staff Counsel
Lawyers Constitutional Defense Committee
of the American Civil Liberties Union
Southern Office
603 North Farish Street
Jackson, Mississippi

RE: SOBOL, ET AL. VS. PEREZ, ET AL
CIVIL ACTION NO. 57-243

Dear Mr. Bronstein:

I am in receipt of your letter of November 17th, wherein you stated that we have not filed answer on behalf of the defendants "although they are long past due". In that letter, you asked that we furnish you with the answer within the next five days.

I would like to call to your attention the fact that we have filed Motions for Summary Judgment and other pleadings on behalf of all defendants. The Federal Rules provide that the time for filing of an answer is extended until after the Court passes upon Motions for Summary Judgment and Motions to Dismiss. (See Rules 12 and 56.) I also refer you to §1233 of the Federal Practice and Procedure by Barron and Holtzoff, Volume 3.

If the Court prefers, I will be more than pleased to file an answer. It is my understanding that Motion for a Preliminary Injunction can be tried and heard without the necessity of filing an answer and certainly the Motion for Summary Judgment can be so heard.

Trusting that this answers your request and with regards, I remain,

Sincerely yours,

(Signed) Sidney W. Provensal, Jr.

Sidney W. Provensal, Jr.

SWPjr:rcs
cc: Honorable Fred J. Cassibry
Owen M. Fiss, Esq.
Mr. Thomas H. Brahney, III

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CIV. RIGHTS DIV.

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