

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

HAROLD WEISBERG,)
)
 Plaintiff,)
)
 v.)
)
 U.S. DEPARTMENT OF JUSTICE,)
)
 Defendant.)
 _____)

Civil Action No. 75-1996

ANSWER TO AMENDED COMPLAINT

First Defense

The complaint fails to state a claim upon which relief can be granted.

Second Defense

The Court lacks subject matter jurisdiction over the instant suit.

Third Defense

Plaintiff has failed to present justiciable case or controversy in that the allegations contained in paragraphs one through nine are moot.

Fourth Defense

The Court lacks jurisdiction over the allegations contained in paragraph ten (10) of the Amended Complaint in that plaintiff has failed to exhaust his administrative remedies for the materials referred to therein.

Fifth Defense

2. Defendant is without sufficient information or knowledge to form a belief as to the allegations contained in paragraph two (2) except as to the naming of Mr. Weisberg as plaintiff, which as a characterization of the suit requires no response.

3. Characterizations of the suit require no response.

4.-5. Deny, except to admit the authenticity of plaintiff's exhibits A and B, to which the Court is respectfully referred for a full and complete statement of the contents thereof.

6.-8. Deny, except to admit the authenticity of plaintiff's Exhibits C, D and E to which the Court is respectfully referred to for a full and accurate statement of the contents thereof.

9. Deny and aver that by letter dated December 2, 1975 from Clarence M. Kelly, plaintiff was provided with the records requested as referred to in paragraphs four (4) through eight (8), supra. The characterizations and legal conclusions made in sentences two (2) and three (3) require no answer, except insofar as they are deemed allegations of fact, they are denied.

10. Deny, except to admit the authenticity of plaintiff's Exhibit F to which the Court is respectfully referred for a full and accurate statement of the contents thereof.

EARL J. SILBERT
United States Attorney

ROBERT N. FORD
Assistant United States Attorney

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that service of the foregoing Answer to Amended Complaint has been made upon plaintiff by mailing a copy thereof to James H. Lesar, 1231 Fourth Street, S.W., Washington, D.C. 20024, on this 2nd day of January, 1976.

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