

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF COLUMBIA

JAMES HIRIM LESAR,

Plaintiff,

v.

CIVIL ACTION NO. 77-0692

DEPARTMENT OF JUSTICE,
et al.

Defendants.

OPPOSITION TO PLAINTIFF'S MOTION
UNDER VAUGHN V. ROSEN TO REQUIRE
DETAILED JUSTIFICATION, ITEMIZATION AND
INDEXING WITHIN THIRTY DAYS

STATEMENT

In this Freedom of Information Act lawsuit, the Court has granted defendants' Motion to Stay further proceedings pending completion of review in this matter and further ordered that defendants shall report to the Court as to the current status of the Administrative review by October 17, 1977. (Order, July 14, 1977). Plaintiff moved on July 13, 1977, that defendant provide within thirty days of the Court granting its motion, a detailed justification for any allegations that the documents contained in Volumes VII, XII-XVII, and XIX-XXI of Appendix C to the Shaheen Report are exempt from disclosure.

DISCUSSION

Defendants, with concurrence of plaintiff's counsel, have postponed responding to the motion, because certain released matters were addressed in another lawsuit, Weisberg v. Department of Justice, Civil Action No. 75-1996 (D. D.C.) and counsel agreed that this lawsuit might be redundant and therefore join in a voluntary dismissal of the action. However, since the Court in Weisberg has recently concluded that the records which are the subject of plaintiff's pending motion herein, are not also at issue in the Weisberg case, defendants are now filing this response. Defendants will provide a detailed inventory and justification for whatever records continue to be withheld by the Department of Justice as a result of the outcome of the appellate administrative review. However, until that review is completed, and in accordance with the Court's present stay of proceedings, resolution of plaintiff's present motion should be denied at the present time without prejudice to its being re-filed following completion of administrative review. In fact, the only issue that will have to be addressed when the motion is re-filed will be whether defendants will need more

than thirty days to prepare an index. Any representa-
tions concerning that are premature at the present time.

Respectfully submitted

Barb

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ORDER

This matter having come before the Court on Plaintiff's Motion under Vaughn v. Rosen to Require Detailed Justification Itemization and Indexing, and the Court being fully advised in the premises and having concluded that pursuant to the pending Stay of Proceedings in the present action, it is this day of _____, 1977.

ORDERED, that plaintiff's motion should be, and hereby is, denied, without prejudice to re-filing after completion of administrative review.

SO ORDERED:

United States District Judge

CERTIFICATE OF SERVICE

I hereby certify that I have on the 10th day of
September, 1977 served a copy of my Answer and Opposition
to Plaintiff's Motion Under Vaughn v. Jones to Require
Detailed Justification, Itemization, and Indexing within
Thirty days upon:

James H. Lesar, Esquire
1231 4th Street, S.W.
Washington, D. C. 20024

LYNNE K. ZUSMAN