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November 16, 1982

Mr. James H. Lesar
Attorney at Law
1000 Wilson Blvd.
Suite 900
Arlington, VA 22209

Re: Weisberg v. Federal Bureau of
Investigation, USDC D.C.
C.A. Nos. 78-322/420

Dear Jim:

I am writing as the attorney for the defendant in the above referenced case and in response to your letter of November 13, 1982.

I am aware that Judge Smith denied the FBI's motion for partial summary judgment on the search issue and in so doing indicated that discovery "may" be needed to resolve the question of the adequacy of the FBI's search.

Whether you agree with Judge Smith and thus initiate discovery is your prerogative. It has been and is the FBI's position that discovery is not necessary to resolve the fourteen issues which were listed in plaintiff's Amended Statement of Genuine Issues of Material Fact in Dispute, filed on July 26, 1982. Should you decide to initiate discovery, it is the Government's position that such discovery will be limited to the issues enumerated in that amended statement since, under the dictates of Local Rule 1-9(h), those fourteen points represent "all material facts as to which it is contended there exists a genuine issue necessary to be litigated...." (Emphasis added). Finally, nothing in this letter should be construed as a waiver of the defendant's right to conduct discovery of the plaintiff on the above mentioned fourteen issues.

If you have any questions about these matters, please feel free to contact me.

Very truly yours,

A handwritten signature in cursive script that reads "Henry I. LaHaie". The signature is written in dark ink and is positioned above the typed name.

HENRY I. LAHAIE
Trial Attorney
Federal Programs Branch
Civil Division