

to support its motion for a protective order which that motion was  
granted when such reappeared as the basis for plaintiff's  
objections to defendant's discovery.

Lastly, plaintiff makes much ado about the fact that "he  
knows of no instance in which the government has sought discovery  
of an (sic) FOIA plaintiff except in the context of an attorneys  
fee award." In plaintiff's view, this can only mean that the  
defendant is attempting to shift the burden of proof in these  
cases. Contrary to this conjecture, the defendant did not

\*/ For example, the defendant demonstrated in its opposition to  
plaintiff's motion for a protective order that it undertook dis-  
covery so as to enable it to address all the factual bases which  
supposedly support plaintiff's fourteen claims about the inade-  
quacy of the FBI's search. In this regard, the defendant noted,  
by way of illustration, that the FBI has twice stated in this  
litigation that its search encompassed the "June" files in the  
Dallas and New Orleans Field Offices, but that plaintiff disputes  
those statements. The defendant thus argued that unless plaintiff  
is required to list the facts and documents upon which he bases  
such dispute, it will be unable to address adequately his asser-  
tion that the Bureau's search did not include "June" files. The  
defendant noted that the same can be said for plaintiff's conten-  
tions about the FBI's alleged failure to search for records on  
James P. Hosty, "see" references, etc.

The defendant also pointed out in its opposition to plain-  
tiff's motion for a protective order that its discovery requests  
could not possibly be burdensome. All that is requested of plain-  
tiff is that he provide the defendant with each and every fact and  
document upon which he grounds his fourteen disputed issues  
regarding the adequacy of the search. Such information reposes  
solely with plaintiff; indeed, it would be impossible for the  
defendant to speculate on what facts, or upon which of the more  
than 200,000 pages of records released in these cases, plaintiff  
relies to support his fourteen assertions.

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Reply  
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