

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

HAROLD WEISBERG,)	
)	
Plaintiff,)	
)	Civil Action No.
v.)	78-322 & 78-420
)	
FEDERAL BUREAU OF INVESTIGATION,)	(Consolidated)
)	
Defendant.)	
)	
)	
)	

DEFENDANT'S OPPOSITION TO PLAINTIFF'S SECOND
MOTION TO RECONSIDER FINAL JUDGMENT

On November 18, 1983, this Court dismissed plaintiff's actions pursuant to the Freedom of Information Act ("FOIA") for the repeated and willful failure of the plaintiff to comply with this Court's orders to respond to discovery propounded by the defendant. On December 7, 1984, the Court of Appeals for the District of Columbia affirmed that decision and remanded the case to this Court for determination of the appropriate award of attorneys' fees. On June 13, 1985, this Court entered an order assessing attorneys' fees against the plaintiff, Mr. Weisberg. On July 10, 1985, Mr. Weisberg served a Rule 60(b) Motion To Vacate Judgment, in support of which he alleged that he had new evidence of defendant's fraudulent allegations regarding the original search for records pursuant to plaintiff's FOIA request. Defendant opposed that motion. On October 8, 1985, based upon "consideration of plaintiff's Rule 60(b) motion to vacate judgment, defendant's response, and the entire record,"

the Court denied plaintiff's motion to vacate judgment. See Order, October 8, 1985.

Mr. Weisberg now presents identical claims once again, in a second motion to reconsider -- repeating claims which the Court has already rejected. Weisberg's Motion To Vacate Judgment, served July 10, 1985, was based on the same allegations raised in this Motion To Reconsider. Without further argument, and nothing more than vituperative prose, Mr. Weisberg once again seeks relief in this case. There is no reason for the Court to entertain plaintiff's latest attempt to rehash old and disreputed arguments long after the allowable time to raise valid arguments has passed. See Defendant's Opposition To Plaintiff's Rule 60(b) Motion, Filed July 22, 1985. The Court should reject plaintiff's latest motion because it raises no new issues which would warrant reopening this case, because it is a frivolous attempt to reopen settled matters beyond the time allowed by the Federal Rules for such a challenge, and because it is an attempt to harrass the defendant and the Court in violation of Rule 11 of the Federal Rules of Civil Procedure.

CONCLUSION

For the reasons stated above, plaintiff's October 14, 1985 Motion For Reconsideration should be denied, and the Court should award defendant such further relief as deemed just and proper.

Respectfully submitted,

RICHARD K. WILLARD
Assistant Attorney General

JOSEPH DiGENOVA
United States Attorney

Thomas Millet
THOMAS MILLET

Renée M. Wohlenhaus
RENEE M. WOHLNHAUS

Attorneys, Civil Division
Department of Justice, Room 3334
10th & Pennsylvania Avenue, N.W.
Washington, D.C. 20530
Telephone: (202) 633-5532
Attorneys for Defendants

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ORDER

Upon consideration of Federal Defendant's Opposition To Plaintiff's Second Motion To Reconsider Final Judgment, and the arguments of the parties, it appearing to the Court that good cause having been shown therefore, it is hereby

ORDERED, that Plaintiff's Motion For Reconsideration Of This Court's Orders Issued On The 15th Day of November, 1984, And The 8th Day Of October, 1985 is hereby denied.

DATED: _____


UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

I am a citizen of the United States and a resident of Washington, D.C. I am over eighteen years of age and not a party to the within action; my business address is 10th & Pennsylvania Avenue, N.W., Washington, D.C. 20530. I served a copy of the within FEDERAL DEFENDANT'S OPPOSITION TO PLAINTIFF'S SECOND MOTION TO RECONSIDER FINAL JUDGMENT in a sealed envelope, to the addressees:

Mr. Harold Weisberg
7627 Old Receiver Road
Frederick, Maryland 21701

I declare under penalty of perjury that the foregoing is true and correct. Executed on October 24, 1985 at Washington, D.C.


RENEE M. WOHLLENHAUS
Department of Justice