

Defendants' Opposition of July 22, 1985, continues the distortions, misrepresentations and untruths that characterize ^{all} defendants' filings. The most basic misrepresentation is that Weisberg merely "regurgitates" and seeks to "re-litigate," a canard boilerplated in all his FOIA litigation ~~and this is knowingly false.~~ It is obvious that with the newness of the new evidence entirely undenied it is not "regurgitated." It likewise is false that Weisberg's Motion ^{for} ~~for~~ Relief ~~of~~ From Judgement is not "unrelated to the final order from which he seeks relief." What Weisberg characterized as ^{defendants'} perjury, fraud and misrepresentation is the entire - the exclusive basis for the judgement. There is absolutely nothing else on which the judgement is ~~based~~, or could have been based.

It is a distortion for the defendants to state that ~~the~~ Weisberg stated that all "the 'new evidence' came from ~~the~~ Dallas or New Orleans." Although some of it did originate there, what Weisberg stated and what ^{-and isn't-} cannot be denied/is that the new evidence establishes the existence of relevant, withheld and lied-about Dallas and New Orleans records. *and that this was known to the defendant.*

It likewise is not true that all Weisberg does is address "the adequacy of the search in this case," ~~another strand of defendants' boilerplated misrepresentations.~~

With virtually all this new evidence consisting of FBI ticklers, it obviously is not possible to deny, as without dispute Phillips did deny, under oath, that no and that all are routinely destroyed. (These are more than 20 years old!) such ticklers exist. So, defendants ~~misrepresentations~~ refer instead to what is not relevant or in issue, "tickler systems." Ticklers, in fact, are not "systems" of filing. *and Weisberg has no reference to "tickler systems."* They are made up of records outside the regular files and coming from many different files. *to from 2*

~~Based on these~~ and other deliberately untruthful and misrepresentative statements ~~to pretend~~ that this new evidence is not new, the Opposition then interprets Standard Oil Co. of Cal. v. U.S. to

There is an additional purpose for this series of misrepresentations: to argue that the district court could not properly entertain Weisberg's Rule 60(b) motion. *because, allegedly*
~~These misrepresentations pretend that Weisberg's counsel had presented all of this~~ *new word was*
~~and any allegations of these improprieties~~
to the appeals court, which he did not: "A District Court only has the authority to consider a Rule 60(b) motion after an appellate court has ruled on a matter if the motion presents material not before the appellate court and if the motion is not a frivolous attempt to relitigate the claim." (Emphasis add, p. 4)

Not once having mentioned that Weisberg attributed perjury to SA Phillips and not having produced any evidence at all to refute Weisberg and not having bothered to make even pro forma denial of his allegations, naturally the opposition has no choice but to describe these undisputed and thoroughly documented allegations and the motion itself as "frivolous." (Page 2)

When it comes to misrepresentation, the defendants are consistent. Whereas Weisberg used the new evidence only to establish that the judgement was procured by improper means the Oppositions represents that Weisberg's purpose was to state "that Phillips was defrauding this Court by not providing the information to Weisberg which was provided to Allen." This is a complete and ^{deliberate} knowing fabrication. (Citing Standard Oil of Cal. v U.S., 429 U.S. 17,18, 1976.) This amount to arguing that Weisberg could not present his Rule 60(b) until after remand.

The Opposition did not dispute Weisberg's argument of inequity.