

Phillips 29

processed those records again would have required a tremendous amount of time yet would have served no useful purpose. The plaintiff administratively appealed the FBI's processing of both the FBIHQ* and the DL/NO records on the Kennedy assassination to the Justice Department's Office of Privacy and Information Appeals (OPIA). With the plaintiff's knowledge, OPIA acted first upon his appeal of the DL/NO processing. The appeal of the FBIHQ processing is still pending.

In light of these facts, the FBI has always considered the "previously processed" documents to be within the scope of the plaintiff's FOIA request for FBIHQ documents, and not within the scope of the instant litigation over DL/NO records. Accordingly, those documents should not be included in the proposed sample Vaughn Index.

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7. Plaintiff also suggests in his opposition papers that he should be allowed to select documents to be included in the sample Vaughn Index. Such a procedure is feasible only if plaintiff is required to list the serial number of each document and the corresponding number of pages involved. Because plaintiff has been furnished with all the FBI's worksheets, he has the capability for doing this.

Should the Court grant plaintiff's suggestion, the FBI requests that it impose a page limitation on plaintiff's selection, for some documents are considerably longer than others. The FBI also requests that it be given an opportunity to estimate to the Court the amount of additional time it will take to "Vaughn" the documents selected by plaintiff.

* Although the FBIHQ appeal has been in the form of numerous complaint letters from plaintiff, the Justice Department has treated these complaints as one blanket appeal of the processing of the FBIHQ documents.