1/8/87

## IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

HAROLD WEISBERG and JAMES H. LESAR,

Plaintiffs,

V •

UNITED STATES DEPARTMENT OF JUSTICE,

Defendant.

Civil Action No. 86-1547

## MEMORANDUM

This is another Freedom of Information Act (FOIA) case which comes before the Court on full briefs, declarations and an exchange of correspondence between plaintiffs and the Department of Justice. No material facts are disputed. The Court is required to determine the scope of the request intended by plaintiffs and the adequacy of the search.

Plaintiffs are experienced FOIA requesters fully aware of the Department's procedures. After reviewing the record as a whole the Court finds that Mr. Weisberg's letter of July 29, 1980, when read in the light of the August 28, 1980, letter, must be interpreted as limiting his request to item 7 of the request, as modified by him at the same time.

The Court further finds that the declarations of

Llewellyn and Cook establish beyond question that a search to

uncover the documents was made and that that search was conducted

by informed personnel having no motive or reason to avoid disclosure. Weisberg v. U.S. Department of Justice, 745 F.2d 1476, 1485 (D.C.Cir. 1984).

Much is made by plaintiffs of delays within the

Department, but there was a lack of communication both ways over

a long period and the Department was never made aware that
response to the request was being awaited, if in fact it was.

Defendant's motion for summary judgment must be granted and an appropriate Order is filed herewith.

January 8 , 1987.

Terland A. Genell UNITED STATES DISTRICT JUDGE

## UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

HAROLD WEISBERG and. JAMES H. LESAR,

Plaintiffs,

Civil Action No. 86-1547

U.S. DEPARTMENT OF JUSTICE,

Defendant.

## ORDER

This matter having come before the Court on defendant's motion for summary judgment, and the Court having considered the memoranda supporting and opposing the motion and the entire record, and it appearing to the Court that there is no genuine issue as to any material fact and defendant is entitled to judgment as a matter of law, it is by the Court, this \_ & day of \_ gamesy 1987.

ORDERED that summary judgment is granted in favor of defendant; and it is further

ORDERED that this action is dismissed with prejudice.

United States District Judge