

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

<b>JEFFERSON MORLEY,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>Civil Action No. 032545(RJL)</b>
	)	
<b>CENTRAL INTELLIGENCE AGENCY,</b>	)	
	)	
<b>Defendant.</b>	)	
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**DEFENDANT’S OPPOSITION TO PLAINTIFF’S “SUPPLEMENTAL  
MEMORANDUM” FOR ATTORNEY’S FEES AND COSTS**

Defendant, the Central Intelligence Agency respectfully submits this Opposition to Plaintiff’s (Morley’s) motion for leave to file a “supplemental” memorandum in support of fees. Morley’s motion is procedurally improper and his proposed supplement is substantively without merit.

First, the Court should, as a threshold matter, deny Morley’s Motion because Morley failed to comply with the meet and confer requirements of Local Civil Rule 7(m) before filing its non-dispositive Motion to Supplement. Indeed, Morley did not seek the Defendant’s position, nor seek to discuss the matter with counsel to attempt to narrow the issues for the Court’s consideration. This failure to comply with the Local Rule alone warrants denial of Morley’s motion.

Second, in his supplemental memorandum, Morley submits a news article titled "Trove of files on JFK assassination remain secret," which he states "highlights the importance of the CIA's disclosure -and lack thereof-related to George Joannides, in the context of a wide-ranging discussion of the kinds of JFK assassination- related records which still remain withheld by

CIA." *See* Plt's Supp. Mem. At 1-2. Contrary to Morley's characterization, the article does neither with respect to this case. Rather, it merely repeats Morley's baseless claims regarding a "treasure trove of documents" - including, the 1100 plus documents allegedly not reviewed by the Assassination Records Review Board (AARB), the release of which are postponed until 2017, and records released by CIA (so -called "travel" documents by Morley), which purportedly show that "Joannides had been monitoring Oswald when he was living in NewOrleans." *See* Plt's Supp. Mot., attachment 2.

With regard to the former, the 1100 plus documents in the postponed collection were reviewed by the AARB. (*See*, ECF No. 109, Defs. Opp. at pp. 12-13; *see also* *Final Report of the Assassination Records Review Board* which describes the postponement process.<sup>1</sup> This issue has nothing to do with this case. In any event, these records were searched in this litigation and no documents responsive to Morley's FOIA request were located. *See* Nelson Decl. ¶43. All of the JFK assassination-related records provided to Morley are located in the publicly available collection at NARA. *Id.* ¶¶ 40-42. Second, although the article does not specifically mention the so-called travel documents, it repeats Morley's false claim that Joannides had been "monitoring" Oswald when he was living in New Orleans. Morley's claims regarding the JFK assassination records and purported new information that Joannides "traveled" to or "lived" in New Orleans during which time he "monitored" Oswald are unsupported and inaccurate. ECF No. 139 at pp. 12-14. In sum, this submission is but the latest instance where Morley attempts to manufacture

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<sup>1</sup> The *Final Report* is located at [NARA.gov/jfk](http://NARA.gov/jfk) under AARB. Under the JFK Act, "Congress required that every document in the collection be assigned a record identification number." First, "federal agency would tell the Review Board the location of its proposed postponements; [s]econd, the Board staff would then review the record and recommend that the Review Board either sustain or overrule the agency's request;" and third, "the Review Board vote[s] on the record." The AARB staff "could notify the agency of its determination, publish the Review Board vote in the *Federal Register* and transmit the record to NARA." (pp. 30-31).

conclusions unsupported by the released documents in this case. Accordingly, it should not be the basis for finding Morley is entitled to any fees.

For reasons previously set forth in Defendant's opposition, any additional claims for fees should be rejected. *See*, ECF No. 139. Given the overall FOIA experience of Morley's counsel, the well-worn issues that were repeatedly drafted and argued in this matter, the time submitted and the fees claimed are excessive. Accordingly, leave to file this supplemental memorandum should be denied as should the claim for fees in general.

Respectfully submitted,

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/s/

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