

Factual Background

On June 7, 1975, plaintiff's western division director, William H. Spaulding, made a FOIA request to the CIA for a copy of the Robertson Panel Report of 1953 concerning UFOs. The CIA released a 24-page document with three tabs, but on July 14, 1975, Spaulding wrote to question the authenticity of the report, alleged a CIA cover-up of UFO activities, and made further requests. After another letter from Spaulding, the defendant by letter of March 26, 1976, denied any cover-up and acknowledged the existence of five documents concerning a 1952 UFO incident involving a Mr. Mayher. The CIA released two of the documents, but withheld the other three as incomprehensible after deletions pursuant to FOIA exemptions 1 and 3. Plaintiff filed an administrative appeal on April 3, 1976.

On September 21, 1977, plaintiff^{2/} filed this suit in the Eastern District of New York. With the parties' consent, on May 4, 1978, the court in New York transferred the case to this jurisdiction.

On June 21, 1978, plaintiff filed 635 interrogatories and a request for "Production of Documents and Other Things" listing 274 items. Subsequently, on August 10, 1978, with leave of court, plaintiff filed an amended complaint. The amended complaint incorporated FOIA requests made by four other persons, one of which requests incorporated by reference some 93 separate FOIA requests concerning UFOs that the CIA was processing at that time. Defendant's answer to the amended complaint objected to the incorporation of some of the requests, but on September 15, 1978, the parties entered into a 4-page Stipulation with our approval. The Stipulation was intended "to clarify and simplify the issues" by establishing a detailed description of the documents sought by plaintiff and of what the parties considered as the specific areas to be included in a reasonable search by the defendant. The definitions in the Stipulation incorporated by reference the definitions of "documents" and UFOs" that

^{2/} The original suit included Mr. Harvey Brody as a plaintiff and Stansfield Turner as a defendant. With consent of the parties the court in New York dismissed these two individuals from the litigation.