

1 IAN GERSHENGORN
 Deputy Assistant Attorney General
 2 JOSEPH P. RUSSONIELLO
 United States Attorney
 3 VINCENT M. GARVEY
 Deputy Branch Director
 4 CAROLINE LEWIS WOLVERTON, District of Columbia Bar No. 496433
 Trial Attorney
 5 Civil Division, Federal Programs Branch
 U.S. Department of Justice
 6 P.O. Box 883
 Washington, D.C. 20044
 7 Telephone: (202) 514-0265
 Facsimile: (202) 616-8470
 8 E-mail: caroline.lewis-wolverton@usdoj.gov

9 Attorneys for DEFENDANTS

10 UNITED STATES DISTRICT COURT
 11 NORTHERN DISTRICT OF CALIFORNIA
 OAKLAND DIVISION

12 VIETNAM VETERANS OF AMERICA,)	Civil Action No. C 09-0037 CW
13 <i>et al.</i> ,)	
14 Plaintiffs,)	DECLARATION OF CAROLINE LEWIS WOLVERTON IN SUPPORT OF DEFENDANTS' MOTION TO FILE PRIVACY-ACT PROTECTED RECORDS UNDER SEAL IN THE NON-PUBLIC DOCKET
15 vs.)	
16 CENTRAL INTELLIGENCE AGENCY,)	
17 <i>et al.</i> ,)	
18 Defendants.)	

19 I, Caroline Lewis Wolverton, declare as follows:

- 20 1. I am a Trial Attorney in the Federal Programs Branch, Civil Division of the
- 21 United States Department of Justice and the lead attorney representing the
- 22 Defendants in the above-referenced matter.
- 23 2. This case stems from Cold War-era chemical testing by the Army and the Central
- 24 Intelligence Agency ("CIA") in which the individual Plaintiffs allege they
- 25 participated.
- 26 3. Records maintained by the Department of Veterans Affairs ("VA") concerning
- 27 certain Plaintiffs Bruce Price, Franklin D. Rochelle, Eric P. Muth and David C.

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Dufrane are relevant to the statute of limitations argument asserted in Defendants’ Motion to Dismiss, also filed today, June 30, 2009.

4. Those records – the attachments to the authenticating declarations of Kimberly J. Albers, Clyde Bennett, Norris Jones, Rebecca Sawyer Smith and Paul Weiss – contain information that is covered by the Privacy Act, including sensitive medical information pertaining to Plaintiffs, their social security numbers, dates of birth and financial account information. *See* 5 U.S.C. § 552a(a)(4) (defining records covered by Privacy Act as “any item, collection, or grouping of information about an individual that is maintained by an agency, including, but not limited to, his . . . financial transactions, medical history. . . and that contains his name, or the identifying number, symbol, or other identifying particular assigned to the individual . . .”).
5. On June 30, 2009, I conferred with Timothy Blakely, counsel for Plaintiffs, regarding Defendants’ motion to file under seal. Mr. Blakely explained that Plaintiffs are in general agreement with the concept that material covered by the Privacy Act is entitled to protection under the law and generally should be filed under seal, but have not stipulated to the motion because they have not seen the actual documents submitted for filing under seal.

I declare under penalty of perjury that the foregoing is true and correct. Executed in Washington, D.C. on June 30, 2009.

/s/ Caroline Lewis Wolverson
Caroline Lewis Wolverson