

COPY

1 GORDON P. ERSPAMER (CA SBN 83364)
 Gerspamer@mofo.com
 2 TIMOTHY W. BLAKELY (CA SBN 242178)
 TBlakely@mofo.com
 3 ADRIANO HRVATIN (CA SBN 220909)
 AHrvatn@mofo.com
 4 STACEY M. SPRENKEL (CA SBN 241689)
 SSprenkel@mofo.com
 5 MORRISON & FOERSTER LLP
 425 Market Street
 6 San Francisco, California 94105-2482
 Telephone: 415.268.7000
 7 Facsimile: 415.268.7522

8 Attorneys for Plaintiffs
 Vietnam Veterans of America; Swords to Plowshares;
 9 Veterans Rights Organization; Bruce Price; Franklin D.
 Rochelle; Larry Meirow; Eric P. Muth; David C. Dufrane;
 10 and Wray C. Forrest

11
 12
 13
 14
 15
 16
 17
 18
 19
 20
 21
 22
 23
 24
 25
 26
 27
 28

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 OAKLAND DIVISION

VIETNAM VETERANS OF AMERICA, *et al.*,
 Plaintiffs,
 v.
 CENTRAL INTELLIGENCE AGENCY, *et al.*,
 Defendants.

CV 09-0037-CW

**PLAINTIFFS' NOTICE OF
 DEPOSITIONS TO ALL DEFENDANTS
 PURSUANT TO FED. R. CIV. P. 30(b)(6)**

1 TO ALL DEFENDANTS AND THEIR ATTORNEY(S) OF RECORD:

2 PLEASE TAKE NOTICE THAT, pursuant to Rule 30(b)(6) of the Federal Rules of Civil
3 Procedure, and the agreement between counsel respecting the timing of depositions, Plaintiffs
4 Vietnam Veterans of America; Swords to Plowshares: Veterans Rights Organization; Bruce
5 Price; Franklin D. Rochelle; Larry Meirow; Eric P. Muth; David C. Dufrane; and Wray C.
6 Forrest, by and through their attorneys, Morrison & Foerster LLP, will take the depositions upon
7 oral examination of all Defendants beginning February 19, 2010, commencing at 9:30 a.m. at the
8 offices of Morrison & Foerster LLP, located at 2000 Pennsylvania Avenue, NW, Suite 5500,
9 Washington, District of Columbia 20006-1888. The depositions will be recorded
10 stenographically, and will be taken before a court reporter or other person authorized to
11 administer oaths, and will be conducted in accordance with the Federal Rules of Civil Procedure.
12 Please be advised that the depositions may be recorded on video and/or audio tape and/or
13 LiveNote in addition to stenographic recording. The depositions will continue from day to day,
14 Saturdays, Sundays, and holidays excepted, until completed or adjourned.

15 Pursuant to the provisions of Rule 30(b)(6), Defendants are each hereby directed to
16 designate one or more of their officers, directors, managing agents, employees, or agents who
17 consent to testify and who are the most knowledgeable and competent to testify regarding the
18 following topics. Please provide such designations for each subject matter no later than thirty
19 days of service of this request.

20 Plaintiffs reserve the right to take subsequent depositions, not just on all material issues,
21 but also on those issues raised by documents produced by Defendants and witnesses identified in
22 discovery.

23 DEFINITIONS

24 Unless otherwise indicated, the following definitions shall apply:

25 1. "COMMUNICATION" or "COMMUNICATIONS" means, unless otherwise
26 specified, any of the following: (a) any written letter, memorandum, DOCUMENT or any other
27 writing; (b) any telephone call between two or more PERSONS, whether or not such call was by
28 chance or prearranged, formal or informal; and (c) any conversation or MEETING between two

1 or more PERSONS, whether or not such contact was by chance or prearranged, formal or
2 informal, including without limitation, conversations or MEETINGS occurring via telephone,
3 teleconference, video conference, electronic mail (e-mail) or instant electronic messenger.

4 2. "CONCERNING" means constituting, summarizing, memorializing, referring to,
5 regarding and/or relating to.

6 3. "DOCUMENT" or "DOCUMENTS" means any tangible thing upon which any
7 expression, COMMUNICATION or representation has been recorded by any means, including
8 but not limited to, handwriting, typewriting, printing, photostatting, photographing, magnetic
9 impulse or mechanical or electronic recording and any non-identical copies (whether different
10 from the original because of notes made on such copies, because of indications that said copies
11 were sent to different individuals than were the originals or because of any other reason),
12 including but not limited to, working papers, preliminary, intermediate or final drafts,
13 correspondence, memoranda, charts, notes, records of any sort of MEETINGS, invoices, financial
14 statements, financial calculations, diaries, reports of telephone or other oral conversations, desk
15 calendars, appointment books, audio or video tape recordings, e-mail or electronic mail,
16 electronic folders, microfilm, microfiche, computer tape, computer disk, computer printout,
17 computer card and all other writings and recordings of every kind that are in YOUR actual or
18 constructive possession, custody or control.

19 4. "IDENTIFY" or "IDENTITY" means:

20 a. with respect to a PERSON, to state the PERSON's full name, current or
21 last known employer, that employer's address and telephone number, the PERSON's title and/or
22 position with that employer, and the PERSON's current or last known home address and
23 telephone number;

24 b. with respect to a DOCUMENT, to state the type of DOCUMENT (i.e.,
25 letter, memorandum, telephone note, computer floppy or hard disk, magnetic tape, etc.), the title
26 of the DOCUMENT (if any), the date it was created, the author, all intended recipients including
27 the addressee and any and all copyees, a brief description of the subject matter of the
28

1 DOCUMENT, the present and/or last known location of the DOCUMENT, and to IDENTIFY all
2 present or last known person in possession, custody or control of the DOCUMENT;

3 c. with respect to a COMMUNICATION to state the name and affiliation of
4 all PERSONS participating in, or present for, the COMMUNICATION, the date of the
5 COMMUNICATION, and whether it was conducted in person or by other means (such as
6 telephone, correspondence, e-mail), and whether it was recorded (e.g., stenographically or by
7 audio or videotape);

8 d. with respect to a MEETING to state the names and affiliations of all
9 PERSONS participating in, or present for, the MEETING, the date of the MEETING, and the
10 location of the MEETING and the purpose of the MEETING.

11 5. "MEETING" or "MEETINGS" means any coincidence of, or presence of, or
12 telephone, television, radio or other electronic communication between or among persons,
13 whether such was by chance or prearranged, informal or formal, as well as the results of or
14 actions to be taken following such communication.

15 6. "PERSON" or "PERSONS" means, unless otherwise specified, any natural person,
16 firm, entity, corporation, partnership, proprietorship, association, joint venture, other form of
17 organization or arrangement and government and government agency of every nature and type.

18 7. "YOU" or "YOUR" means the Defendants in this action, and all of their past and
19 present offices, departments, organizations, administrations, boards, commissions, task forces,
20 management, and past and present employees and service members. These terms also include
21 any representatives or agents acting on YOUR behalf, including without limitation, attorneys,
22 investigators or consultants.

23 SPECIAL DEFINITIONS

24 Unless otherwise indicated, the following special definitions shall apply:

25 1. "CIA" means the Central Intelligence Agency of the United States, and all its past
26 and present offices, departments, organizations, administrations, boards, commissions, task
27 forces, management, and past and present employees and service members.

1 2. “DAIG” means the Department of the Army Inspector General, and all its past and
2 present offices, departments, organizations, administrations, boards, commissions, task forces,
3 management, and past and present employees.

4 3. “DEPARTMENT OF DEFENSE” or “DoD” means the United States Department of
5 Defense, and all its past and present offices, departments, organizations, administrations, boards,
6 commissions, task forces, management, and past and present employees and service members.

7 4. “DEPARTMENT OF THE ARMY” or “DoA” means the United States Department
8 of the Army, and all its past and present offices, departments, organizations, administrations,
9 boards, commissions, task forces, management, and past and present employees and service
10 members.

11 5. “EDGEWOOD ARSENAL” means the southern sector of the military installation
12 located northeast of Baltimore, Maryland, in the Northern Chesapeake Bay along a neck of land
13 between the Gunpowder and Bush rivers.

14 6. “GAO” means the United States Government Accountability Office and all its
15 predecessors, offices, departments, organizations, administrations, boards, commissions, task
16 forces, management, and past and present employees.

17 7. “IOM” means the Institute of Medicine, a branch of the National Academies, and all
18 its predecessors, offices, departments, organizations, administrations, boards, commissions, task
19 forces, management, and past and present employees.

20 8. “NRC” means the National Research Council, a branch of the National Academies,
21 and all its predecessors, offices, departments, organizations, administrations, boards,
22 commissions, task forces, management, and past and present employees.

23 9. “NAS” means the National Academy of Sciences, a branch of the National
24 Academies, and all its predecessors, offices, departments, organizations, administrations, boards,
25 commissions, task forces, management, and past and present employees.

26 10. “VA” or “DVA” means the United States Department of Veterans Affairs, and all
27 its predecessors (including the Veterans Administration) and its past and present offices,
28

1 departments, organizations, administrations, boards, consultants, commissions, task forces,
2 management, and past and present employees.

3 11. "TEST PROGRAMS" means each of the projects identified in the First Amended
4 Complaint, including without limitation, the Human Test Series identified in Paragraph 140 of the
5 First Amended Complaint, including Projects "BLUEBIRD," "ARTICHOKE," "MKDELTA,"
6 "MKULTRA," "MKNAOMI," "MKSEARCH," "MKCHICKWIT," "MKOFTEN," and any
7 other program of experimentation involving human testing of any substance, including but not
8 limited to, "MATERIAL TESTING PROGRAM EA 1729." TEST PROGRAMS shall include
9 any and all sub-projects related to any program of human testing conducted by YOU.

- 10 a. "BLUEBIRD" means, including without limitation, the official code name given
11 in or around 1950 to the secret test program conducted by one or more of YOU
12 CONCERNING special interrogation methods, including the use of drugs,
13 hypnosis and isolation upon human test subjects.
- 14 b. "ARTICHOKE" means, including without limitation, the official code name given
15 in or around 1951 to the secret test program conducted by one or more of YOU
16 CONCERNING the study of special interrogation techniques and the use of
17 chemicals, among other methods, to produce amnesia and other vulnerable states
18 in human test subjects.
- 19 c. "MKDELTA" means, including without limitation, the official code name given in
20 or around 1952 to the secret test program conducted by one or more of YOU
21 CONCERNING the use of biochemicals in clandestine military operations.
- 22 d. "MKULTRA" means, including without limitation, the official code name given in
23 or around 1953 to the secret test program conducted by one or more of YOU
24 CONCERNING the surreptitious use of many types of drugs, as well as other
25 methods, to manipulate individual mental states and to alter brain function, and
26 that continued at least through the late 1960s.
- 27 e. "MKNAOMI" means, including without limitation, the official code name given
28 to the secret test program conducted by one or more of YOU CONCERNING the

1 stockpiling of severely incapacitating and lethal materials and the development of
2 gadgetry for the dissemination of these materials.

3 f. "MKSEARCH" means, including without limitation, the official code name given
4 in or around 1964 to the secret test program conducted by one or more of YOU
5 CONCERNING the development of methods to manipulate human behavior
6 through the use of drugs and other chemical substances.

7 g. "MKCHICKWIT" or "CHICKWIT" means, including without limitation, the
8 official code name given to the secret test program conducted by one or more of
9 YOU CONCERNING the identification of new drugs in Europe and Asia and
10 collection of information and samples CONCERNING same.

11 h. "MKOFTEN" means, including without limitation, the official code name given to
12 the secret test program conducted by one or more of YOU CONCERNING the
13 behavioral and toxicological effects of certain drugs on animals and humans.

14 i. "MATERIAL TESTING PROGRAM EA 1729" means, including without
15 limitation, the official code name given to the secret test program by one or more
16 of YOU CONCERNING the testing of lysergic acid diethylamide ("LSD") as an
17 intelligence-gathering technique.

18 12. "TEST SUBJECT" or "TEST SUBJECTS" means, unless otherwise specified, any
19 person who, while an active duty member of the U.S. Military or a member of the reserves of any
20 branch of the U.S. Military, participated in any experiment that was part of, or related to, the
21 TEST PROGRAMS. For purposes of this definition, TEST SUBJECTS shall be deemed to have
22 participated in an experiment even if the TEST SUBJECT received only a placebo or if the TEST
23 SUBJECT declined to participate or withdrew "consent" after being initially selected for
24 participation. "TEST SUBJECTS" shall not, unless otherwise specified, include civilians who
25 participated in the TEST PROGRAMS.

26 **CONSTRUCTION**

27 The following rules of construction shall also apply:

28 1. "All" or "each" shall be construed as "all and each."

1 2. "Any" should be understood to include and encompass "all;" "all" should be
2 understood to include and encompass "any."

3 3. "And" or "or" shall be construed either disjunctively or conjunctively as necessary to
4 bring within the scope of the discovery request all responses that might otherwise be construed to
5 be outside of its scope.

6 4. The use of the singular form of any word shall include the plural and vice versa.

7 TOPICS

8 1. Each of the "Directives" identified in the First Amended Complaint, including:
9 (a) the 1947 Nuremberg Code or law; (b) the Wilson Directive; (c) the Belmont Report; (d)
10 Executive Order No. 12333 identified in Paragraph 116 of the First Amended Complaint; (e) the
11 June 30, 1953 DOA Confidential Memorandum identified in Paragraph 118 of the First Amended
12 Complaint; (f) the Common Rule; (g) Army Regulation 70-25; and (h) any other regulation,
13 directive or executive order CONCERNING consent and/or informed consent that relates in any
14 way to the TEST PROGRAMS.

15 2. The interface between and representatives involved in contacts between YOU and the
16 DVA regarding death and disability claims brought by TEST SUBJECTS.

17 3. Each instance in which a veteran claimed to be involved in one or more of the TEST
18 PROGRAMS, but YOU informed anyone, including the DVA, that YOU had no record of such
19 participation.

20 4. Studies of and other information CONCERNING the potential health effects of
21 exposure to chemical and/or biological weapons tested as part of the TEST PROGRAMS, and
22 each of them.

23 5. The protocols, conduct, administered doses, dose-response data, and mode of
24 exposure for each of the TEST PROGRAMS, including sub-projects.

25 6. CIA involvement in the TEST PROGRAMS, including without limitation,
26 identification of chemical or biological agents, use of undercover agents, financial support,
27 direction, field testing, operations, and the results of any evaluation of each chemical substance or
28 biological agent.

1 7. The Recruitment of German and/or Japanese scientists or experts to participate in the
2 TEST PROGRAMS in any capacity, including each sub-project.

3 8. The incidence of death and diseases for participants in the TEST PROGRAMS, and
4 each of them, including each sub-project.

5 9. The legal and other requirements associated with informed consent, and/or their
6 application to military personnel.

7 10. The authorship, creation, and approval of the 1963 Report of Inspection of
8 MKULTRA by CIA Inspector General J.S. Earman ("1963 CIA IG Report"), identified in
9 Paragraph 107 of the First Amended Complaint and attached to the First Amended Complaint as
10 Exhibit B.

11 11. The PERSONS contacted or interviewed in connection with the 1963 CIA IG
12 Report and, the notes, comments, analysis or other writing CONCERNING its contents.

13 12. The provisions of the Nuremberg Code and its application to the TEST
14 PROGRAMS.

15 13. The medical files and databases CONCERNING each participant in the TEST
16 PROGRAMS.

17 14. The scope and conduct of the search for documents pursuant to requests from
18 Congress in connection with hearings of the Church Committee in 1975 (see *Final Report of the*
19 *Select Committee to Study Governmental Operations with Respect to Intelligence Activities*, S.
20 Rep. No. 94-755, 94th Cong., 2d Sess., Book I, § XVII ("Foreign and Military Intelligence:
21 Testing and Use of Chemical and Biological Agents by the Intelligence Community") (1976)),
22 the Pike Committee in 1975-1976 (House Select Committee on Intelligence) and other
23 committees and subcommittees in 1975-1977 related in any way to the TEST PROGRAMS (see,
24 e.g., *Biomedical and Behavioral Research, 1975: Joint Hearings Before the Subcomm. on Health*
25 *of the S. Comm. on Labor and Public Welfare and the Subcomm. on Admin. Practice and*
26 *Procedure of the S. Comm. on the Judiciary*, 94th Cong., 1st Sess. (Sept. 10, 12 and Nov. 7,
27 1975); *Biological Testing Involving Human Subjects by the Department of Defense, 1977:*
28 *Hearings Before the Subcomm. on Health and Scientific Research of the S. Comm. on Human*

1 *Resources*, 95th Cong., 1st Sess. (March 8 and May 23, 1977); *Project MKULTRA, The CIA's*
2 *Program of Research in Behavioral Modification: Joint Hearing Before the S. Select Comm. on*
3 *Intelligence and the Subcomm. on Health and Scientific Research of the S. Comm. on Human*
4 *Resources*, 95th Cong., 1st Sess. (Aug. 3, 1977); *Human Drug Testing by the CIA, 1977:*
5 *Hearings Before the Subcomm. on Health and Scientific Research of the S. Comm. on Human*
6 *Resources*, 95th Cong., 1st Sess. (Sept. 20-21, 1977), including all supplemental requests and the
7 content of all correspondence back and forth.

8 15. The health effects associated with external or internal exposures to the chemical and
9 biological substances administered as part of the TEST PROGRAMS, and each sub-project,
10 including without limitation, mental health effects, short and long-term health effects, and the
11 effects associated with each pathway of exposure, including, without limitation, external,
12 inhalation, absorption, or dermal.

13 16. The content of all handbooks, handouts, paperwork, forms of any kind (including
14 medical history forms, consent forms, and release forms) given to prospective volunteers in the
15 human experiments between 1943 and the present.

16 17. The doses administered to TEST SUBJECTS during the TEST PROGRAMS, and
17 each of them, and the benchmarks or levels of dose where specific types of effects are apparent,
18 such as sleep, disorientation, adverse impacts on cognition or speech, and others, the dose-
19 response relationship, and the estimated dose that would induce death, the so-called "man-break"
20 dose.

21 18. Interviews, discussions, conversations, e-mails, and other COMMUNICATIONS
22 between YOU and any TEST SUBJECT or other military personnel or veteran who claimed to
23 have participated in the TEST PROGRAMS, including each sub-project.

24 19. The Memorandum for the Record identified in Paragraph 162 of the First Amended
25 Complaint.

26 20. Contracts, contract proposals, contract approvals, and payments for each task or role
27 performed by a third party (such as a contractor or university researcher) CONCERNING the
28 TEST PROGRAMS, including each sub-project.

1 21. Liaison or contacts of any kind between YOU and Congress (including
2 Congressional staffs) and all COMMUNICATIONS CONCERNING the TEST PROGRAMS,
3 including each sub-project.

4 22. The IDENTITY of all cut-outs (as defined in Paragraph 130(a) of the First
5 Amended Complaint) used in connection with the TEST PROGRAMS, including each sub-
6 project.

7 23. The activities of each PERSON used as a cut-out (as defined in Paragraph 130(a) of
8 the First Amended Complaint) for CIA activities CONCERNING the TEST PROGRAMS, such
9 as Geschickter Fund for Medical Research identified in Paragraph 130(a) of the First Amended
10 Complaint.

11 24. The projects in the TEST PROGRAMS that were funded, directed or controlled by
12 YOU through front organizations, including but not limited to, the Society for the Investigation of
13 Human Ecology, and all COMMUNICATIONS and MEETINGS between YOU and any such
14 front organization.

15 25. Approvals sought and/or given by anyone in connection with the TEST
16 PROGRAMS, including each sub-project.

17 26. The report CONCERNING covert activities of the CIA identified in Paragraph 111
18 of the First Amended Complaint.

19 27. The general design, development, planning, methodology, operation, and use of
20 mind control techniques or substances by YOU or anyone acting under YOUR control,
21 supervision, financing or direction.

22 28. Experiments conducted by YOU or anyone acting under your supervision, financing
23 or direction involving the release of chemical or biological substances into domestic
24 environments such as cities, the atmosphere, rivers or lakes, or any other place.

25 29. The identity and location of all PERSONS, including without limitation, doctors,
26 scientists, officers, managers, or other personnel who, either directly or indirectly, designed,
27 financed, planned, participated in, analyzed or reviewed the results of the TEST PROGRAMS,
28

1 including each sub-project, and whether each such PERSON is alive or dead and his/her last
2 known address

3 30. Databases of any kind CONCERNING the participants in the TEST PROGRAMS,
4 including each sub-project.

5 31. Each experiment conducted on each of the individual Plaintiffs, including the
6 protocols, actions, conduct, and results of each experiment.

7 32. The circumstances involving an attempt by any TEST SUBJECT to withdraw
8 consent or refuse to participate in an experiment or experiment conducted in the TEST
9 PROGRAMS.

10 33. The content or language of each variation of the secrecy oaths described in
11 Paragraph 148 of the First Amended Complaint, as well as YOUR policy and/or practice with
12 respect to the administration of such oaths.

13 34. Experiments or tests CONCERNING existing or potential chemical or biological
14 weapons done on veterans from 1975 to date.

15 35. The mission described in Paragraph 102 of the First Amended Complaint, and its
16 results.

17 36. The use of patients from DVA medical facilities, including hospitals, clinics,
18 CBOCs, etc., as subjects for experiments involving the testing of potential chemical and/or
19 biological weapons between 1943 and the present.

20 37. Input into or comments upon the protocols or tests administered by DVA, either
21 directly or indirectly, upon veterans or YOUR receipt of the results of experiments conducted by
22 DVA using veteran subjects.

23 38. The meaning, interpretation or application of YOUR duty to warn participants in the
24 TEST PROGRAMS, including the content, implementation, and failure to implement the DOJ
25 Opinion identified in Paragraph 12 of and Exhibit A to the First Amended Complaint.

26 39. The Wilson Directive, as identified in Paragraph 112 of and attached as Exhibit C to
27 the First Amended Complaint.

1 40. COMMUNICATIONS and/or MEETINGS between YOU and personnel working
2 on experiments using human subjects at Porton Down, England, and the information YOU
3 obtained from or exchanged with personnel CONCERNING activities at Porton Down.

4 41. COMMUNICATIONS and/or MEETINGS between YOU and personnel working
5 on experiments using human subjects in Manchuria in the period leading up to and following the
6 Japanese surrender in World War II, and/or, and the information you obtained from or exchanged
7 with personnel performing experiments with human subjects in Manchuria or Japan, including,
8 without limitation, those performed under the auspices of Colonel Takao Ito.

9 42. COMMUNICATIONS and/or MEETINGS between YOU and personnel working
10 on experiments using human subjects at Suffield, Alberta, and at Chemical Warfare Laboratories,
11 Ottawa, from 1941 through the mid-1970s, and the information YOU obtained from or exchanged
12 with personnel CONCERNING activities at Suffield, Alberta and Chemical Warfare
13 Laboratories, Ottawa.

14 43. YOUR use of any of the information you obtained in connection with the contacts
15 or programs described in Topic Nos. 40-42.

16 44. The design, purpose, function, use and effects of all septal implants CONCERNING
17 the TEST PROGRAMS, including, without limitation, the septal implant placed into Individual
18 Plaintiff Bruce Price.

19 45. The PERSON(S) who performed any operation on Individual Plaintiff Bruce Price
20 and/or installed an implant in his body.

21 46. The design, planning, conduct, participants, and results of any experiment(s) as part
22 of the TEST PROGRAMS involving the insertion of any implant, device, or foreign body into a
23 TEST SUBJECT.

24 47. The known or anticipated health effects, or impact on the well-being of the patient,
25 associated with the removal of septal implants implanted in connection with the TEST
26 PROGRAMS.

27 48. The identity of, and health effects experienced by, TEST SUBJECTS who received
28 septal implants from YOU in connection with the TEST PROGRAMS.

1 49. COMMUNICATIONS and MEETINGS between YOU and Dr. Ewen Cameron
2 CONCERNING the studies or experiments identified in Paragraph 130(b) of the First Amended
3 Complaint, and all DOCUMENTS CONCERNING the same.

4 50. The final testing of MKULTRA materials or substances referred to in
5 Paragraph 130(e) of and Exhibit B to the First Amended Complaint, and all
6 COMMUNICATIONS, MEETINGS and DOCUMENTS CONCERNING the same.

7 51. COMMUNICATIONS and MEETINGS between YOU and Dr. Paul Hoch
8 CONCERNING the studies or experiments identified in Paragraph 134 of the First Amended
9 Complaint, and all DOCUMENTS CONCERNING the same.

10 52. The basis for each redaction on the 1963 CIA IG Report, as shown on Exhibit B to
11 and discussed in Paragraph 127 of the First Amended Complaint.

12 53. Memoranda, reports, analyses or other DOCUMENTS CONCERNING the *Feres*
13 Doctrine, including without limitation, the basis for it, the effect of it or its removal, and its
14 impact upon military personnel and/or their families or survivors, and all MEETINGS and
15 COMMUNICATIONS CONCERNING the same.

16 54. The CONFIDENTIAL Memorandum numbered Item 3247 identified in
17 Paragraph 118 of the First Amended Complaint.

18 55. The impact or potential impact on the well-being of TEST SUBJECTS of
19 participation in the TEST PROGRAMS, including all information learned by YOU
20 CONCERNING the impact or potential impact at any time from the inception of the TEST
21 PROGRAMS to the present.

22 56. Any effort to locate, notify, or warn any TEST SUBJECT about information
23 CONCERNING his or her participation in the TEST PROGRAMS, including any newly acquired
24 information that may affect the well-being of any TEST SUBJECT, including the date and result
25 of any such effort, and any efforts that are ongoing.

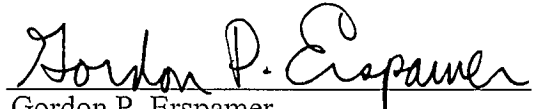
26 57. The identity and applicability of every statute, regulation, directive, policy, or
27 instruction governing YOUR conduct and execution of the TEST PROGRAMS, including,
28 without limitation, with respect to the provision of information to TEST SUBJECTS

1 CONCERNING any risks associated with their participation in the TEST PROGRAMS, the
2 procurement or evaluation of the informed consent of any PERSON participating in the TEST
3 PROGRAMS, and the provision of medical evaluations and treatment for any PERSON
4 participating in the TEST PROGRAMS.

5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Dated: November 16, 2009

GORDON P. ERSPAMER
TIMOTHY W. BLAKELY
ADRIANO HRVATIN
STACEY M. SPRENKEL
MORRISON & FOERSTER LLP

By: 
Gordon P. Erspamer
[Gerspamer@mofo.com]

Attorneys for Plaintiffs

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PROOF OF SERVICE

I declare that I am employed with the law firm of Morrison & Foerster LLP, whose address is 425 Market Street, San Francisco, California 94105. I am not a party to the within cause, and I am over the age of eighteen years.

I further declare that on November 16, 2009, I served a copy of:

**PLAINTIFFS' NOTICE OF DEPOSITIONS TO ALL DEFENDANTS
PURSUANT TO FED. R. CIV. P. 30(b)(6)**

BY U.S. MAIL [Code Civ. Proc. Sec. 1013(a)] by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, addressed as follows, for collection and mailing at Morrison & Foerster LLP, 425 Market Street, San Francisco, California 94105-2482 in accordance with Morrison & Foerster LLP's ordinary business practices.

I am readily familiar with Morrison & Foerster LLP's practice for collection and processing of correspondence for mailing with the United States Postal Service, and know that in the ordinary course of Morrison & Foerster LLP's business practice the document(s) described above will be deposited with the United States Postal Service on the same date that it (they) is (are) placed at Morrison & Foerster LLP with postage thereon fully prepaid for collection and mailing.

Caroline Lewis Wolverton, Esq.
United States Department of Justice
Federal Programs Branch, Civil Division
P.O. Box 883
Washington, District of Columbia 20040

I declare under penalty of perjury that the foregoing is true and correct.

Executed at San Francisco, California, this 16th day of November 2009.

Kathy Beaudoin
(typed)

(signature)