

1 GORDON P. ERSPAMER (CA SBN 83364)
Gerspamer@mofo.com
2 EUGENE ILLOVSKY (CA SBN 117892)
Eillovsky@mofo.com
3 STACEY M. SPRENKEL (CA SBN 241689)
SSprenkel@mofo.com
4 MORRISON & FOERSTER LLP
425 Market Street
5 San Francisco, California 94105-2482
Telephone: 415.268.7000
6 Facsimile: 415.268.7522

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

11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA
13 OAKLAND DIVISION

15 VIETNAM VETERANS OF AMERICA *et al.*,
16 Plaintiffs,
17 v.
18 CENTRAL INTELLIGENCE AGENCY *et al.*,
19 Defendants.

Case No. CV 09-0037-CW

**DECLARATION OF STACEY M.
SPRENKEL IN SUPPORT OF
PLAINTIFFS' REPLY IN SUPPORT
OF MOTION FOR CLASS
CERTIFICATION**

**[AMENDED VERSION PURSUANT
TO MARCH 29, 2012 ORDER]**

Hearing Date: April 5, 2012
Time: 2:00 p.m.
Courtroom: 2, 4th Floor
Judge: Hon. Claudia Wilken

Complaint filed January 7, 2009

EXHIBIT 79 REDACTED

EXHIBIT 87 FILED UNDER SEAL

1 I, STACEY M. SPRENKEL, declare as follows:

2 1. I am an attorney licensed to practice law in the State of California and am admitted
3 to practice before this Court. I am an associate with the law firm of Morrison & Foerster LLP,
4 counsel of record for Vietnam Veterans of America, Swords to Plowshares: Veterans Rights
5 Organization, Bruce Price, Franklin D. Rochelle, Larry Meirow, Eric P. Muth, David C. Dufrane,
6 Wray C. Forrest, Tim Michael Josephs, and William Blazinski (“Plaintiffs”) in this action. I
7 submit this Declaration in Support of Plaintiffs’ Reply in Support of Motion for Class
8 Certification. I make this Declaration based on personal knowledge and discussions with support
9 staff working under my direction. If called as a witness, I would testify to the facts set forth
10 below.

11 2. Attached hereto as Exhibit 75 is a true and correct copy of the transcript of the
12 September 1, 2011 hearing before Judge Wilken regarding the CIA’s Motion for Judgment on the
13 Pleadings and Motion to Amend the Scheduling Order.

14 3. Attached hereto as Exhibit 76 is a true and correct copy of excerpts from the
15 transcript of the June 3, 2011 deposition of William Blazinski.

16 4. Attached hereto as Exhibit 77 is a redacted true and correct copy of the outreach
17 letter sent by Defendant Department of Veterans Affairs to William Blazinski, produced by
18 Plaintiffs with Bates labels PLTF 006296 through PLTF 006301.

19 5. Attached hereto as Exhibit 78 is a true and correct copy of excerpts from the
20 transcript of the June 1, 2011 deposition of Tim Michael Josephs.

21 6. Attached hereto as Exhibit 79 is a redacted true and correct copy of excerpts from
22 the transcript of the June 13, 2011 deposition of David Dufrane.

23 7. Attached hereto as Exhibit 80 is a true and correct copy of what I am informed and
24 believe is a National Academies report titled, “Health Effects of Perceived Exposure to
25 Biochemical Warfare Agents,” which is Deposition Exhibit 354 in this case.

26 8. Attached hereto as Exhibit 81 is a true and correct copy of excerpts from the
27 transcript of the January 20, 2012 deposition of Mark Brown.

28

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

Attestation Pursuant to General Order 45, section X.B

I hereby attest that I have on file all holograph signatures for any signatures indicated by a “conformed” signature (/S/) within this e-filed document.

/s/ Gordon P. Erspamer
GORDON P. ERSPAMER