

Exhibit Q

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February 1, 2012

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Via E-Mail

Joshua E. Gardner, Esq.
United States Department of Justice
Civil Division, Federal Programs Branch
20 Massachusetts Avenue NW
Washington, DC 20530

Re: *Vietnam Veterans of America, et al. v. Central Intelligence Agency, et al.*, No. CV 09-0037 CW (N.D. Cal.)

Dear Mr. Gardner:

I am writing following up on our meet and confer calls regarding the outstanding discovery issues related to the Department of Veterans' Affairs' ("DVA") document production.

Chem-Bio Claims Files

On our December 29 meet and confer call, you informed me that DVA had followed the Court's instruction to use veteran name and date of birth to identify additional claims files of test participants. You said DVA had identified approximately 620 additional claims files, but insisted that the Court had not ordered DVA to produce any additional claims files identified, and that DVA would therefore not produce these additional 620 claims files.

You suggested that we might devise a creative solution that would allow you to produce only *relevant* claims files. In light of DVA's prior representations to Plaintiffs and the Court that it is not possible for DVA to identify claims that are related to chem-bio testing absent a manual review of the files, however, Plaintiffs can think of no short-cut or creative solution. As we have discussed, we believe the Court did order DVA to produce any additional claims files that are found. On this basis, Plaintiffs once again request that DVA produce the additional 620 claims files of newly identified test participants. We will be preparing a joint letter to the Court on this issue. Absent an agreement by DVA to produce these claims files, we will be forced — once again — to seek Court intervention.

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Mustard Gas/Lewisite Claims Files

During our December 29 call, you stated that DVA had conducted the search for mustard gas/lewisite claims files (as the Court had directed at the December 15 hearing) and identified approximately 1200 claims files of identified mustard gas/lewisite test participants. You said DVA refuses to produce any of those files. Plaintiffs hereby renew our request for them and, in the meantime, are preparing a joint letter to the Court on this issue.

Chem-Bio Mailbox

On our December 29 call, you stated that DVA had now decrypted every e-mail in the chem-bio mailbox. Please explain how you are certain that all previously encrypted e-mails in the chem-bio mailbox have now been decrypted and produced. Please also confirm that DVA's production labeled DVA076 is the promised "re-production" of all of the e-mails maintained electronically in the chem-bio mailbox. Assuming this is the case, Plaintiffs note that there are only 61 pages of documents in that production. This low number seems inconsistent with both the requirements of Training Letter 06-04 and documentary evidence suggesting that all documents in the chem-bio mailbox were backed up onto a server, and would be maintained indefinitely. (See document Bates-labeled DVA002 025769.) Moreover, outreach reports suggest that in Fiscal Year 2010 alone, at least 86 chem-bio claims were decided. Training Letter 06-04 requires all chem-bio ratings decisions to be sent to the chem-bio mailbox, and several deponents testified that VSRs are expected to comply with the procedures set forth in Training Letter 06-04. If, in fact, there are only 61 pages of documents in the chem-bio mailbox at this time, this would indicate that relevant documents have been deleted after the inception of this litigation. Please verify in writing that no e-mail or ratings decision in the chem-bio mailbox have been destroyed since the date that this action was originally filed.

Moreover, please confirm that you have produced the complete contents of the chem-bio mailbox back-up on the C&P Service server regarding which David Abbot testified during his deposition. We note that Mr. Abbot testified that he regularly received ratings decisions in the chem-bio mailbox. Yet, there appears to be only one ratings decision in DVA's production. Please explain this discrepancy.

Mustard Gas Mailbox

Finally, on our December 29 call, you said that DVA had decrypted every e-mail in the mustard gas mailbox, but insisted that DVA will not produce any of them because it would be "extremely burdensome." Please explain your claim of burden, since you are talking about only a single mailbox. Plaintiffs renew our request that DVA produce the contents of the mustard gas mailbox. Plaintiffs are preparing a joint letter to the Court on this issue.

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Please respond to this letter as soon as possible.

Sincerely,

A handwritten signature in black ink, appearing to read "Stacey Sprengel". The signature is fluid and cursive, with a large initial "S".

Stacey Sprengel

cc: Kimberly Herb
Brigham Bowen
Lily Farel
Judson O. Littleton