

No. 13-17430

**IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

VIETNAM VETERANS OF AMERICA, ET AL.,

Plaintiffs-Appellants,

vs.

CENTRAL INTELLIGENCE AGENCY, ET AL.,

Defendants-Appellees.

On Appeal from the United States District Court,
Northern District of California
D.C. No. CV-09-0037-CW
The Honorable Claudia Wilken, Judge Presiding

**EXCERPTS OF RECORD
IN SUPPORT OF
APPELLANTS' OPENING
BRIEF, VOL. 3, PP. 579-757**

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DATE FILED	DOCUMENT DESCRIPTION	DISTRICT COURT DOCKET NO.	PAGE NO.
11/18/2010	Third Amended Complaint for Declaratory and Injunctive Relief Under United States Constitution and Federal Statutes and Regulations	180	579
	Docket Report for U.S.D.C. (N.D. Cal.) Case No. 09-cv-0037-CW, <i>Vietnam Veterans of America et al. v. Central Intelligence Agency et al.</i>		655

sf-3377831

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

15 VIETNAM VETERANS OF AMERICA, a Non-Profit
 16 Corporation; SWORDS TO PLOWSHARES;
 17 VETERANS RIGHTS ORGANIZATION, a California
 Non-Profit Corporation; BRUCE PRICE; FRANKLIN
 18 D. ROCHELLE; LARRY MEIROW; ERIC P. MUTH;
 DAVID C. DUFRANE; TIM MICHAEL JOSEPHS;
 19 and WILLIAM BLAZINSKI, individually, on behalf of
 themselves and all others similarly situated,

20 Plaintiffs,

21 v.

22 CENTRAL INTELLIGENCE AGENCY; LEON
 PANETTA, Director of the Central Intelligence
 Agency; UNITED STATES DEPARTMENT OF
 23 DEFENSE; DR. ROBERT M. GATES, Secretary of
 Defense; UNITED STATES DEPARTMENT OF THE
 24 ARMY; PETE GEREN, United States Secretary of the
 Army; UNITED STATES OF AMERICA; ERIC H.
 25 HOLDER, JR., Attorney General of the United States;

Case No. CV 09-0037-CW

**THIRD AMENDED
 COMPLAINT FOR
 DECLARATORY AND
 INJUNCTIVE RELIEF
 UNDER UNITED STATES
 CONSTITUTION AND
 FEDERAL STATUTES AND
 REGULATIONS**

(Class Action)

26 **CAPTION CONTINUES ON NEXT PAGE**
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28 THIRD AMENDED COMPLAINT
 CASE No. CV 09-0037-CW
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UNITED STATES DEPARTMENT OF VETERANS
AFFAIRS; and ERIC K. SHINSEKI, UNITED
STATES SECRETARY OF VETERANS AFFAIRS,

Defendants.

1 **I. INTRODUCTION¹**

2 “When we assumed the soldier, we did not lay aside the citizen.” — George Washington.

3 **A. The Plight of the “Volunteers”**

4 1. This action chronicles a chilling tale of human experimentation, covert military
5 operations, and heretofore unchecked abuses of power by our own government. Ironically, one of
6 the main facilitating events for this debacle was action by a court. In 1950, during the height of
7 the Cold War, the U.S. Supreme Court issued its decision in *Feres v. United States*, 340 U.S. 135
8 (1950) (hereafter, “*Feres*”), which in effect ruled that the government is immune from damages
9 claims brought by Armed Forces personnel arising from DEFENDANTS’ own torts. The
10 Supreme Court’s decision to absolve DEFENDANTS of legal responsibility for damages caused
11 by the tortious acts committed by the government upon our nation’s military personnel quickly
12 led DEFENDANTS to undertake an expansive, multi-faceted program of secret experimentation
13 on human subjects, diverting our own troops from military assignments for use as test subjects.
14 In virtually all cases, troops served in the same capacity as laboratory rats or guinea pigs.
15 DEFENDANTS were able to capitalize on the inherently coercive relationship of a soldier’s
16 commanding officers to their soldiers, as military orders can be enforced by a strong set of formal
17 and informal sanctions or punishment.

18 2. In 1942, the War Department — the present day Department of Defense
19 (“DOD”) — authorized the first experiment on military personnel which used mustard gas, and
20 various additional experiments were conducted during and following World War II. Beginning in
21 the early 1950s, the human experiment program was greatly expanded, as the Central Intelligence
22 Agency (“CIA”) and United States Army planned, organized and executed an extensive series of
23 experiments involving potential chemical and biological weapons. The CIA also sponsored

24 _____
25 ¹ On January 19, 2010, the Court dismissed with prejudice the “organization Plaintiffs’
26 claim for declaratory relief that the *Feres* doctrine is unconstitutional” and “Plaintiffs’ claim for
27 declaratory relief on the lawfulness of the testing program.” (*See* Docket No. 59 at 19-20.)
28 Plaintiffs do not intend to reassert those dismissed claims as part of this pleading and do not
expect Defendants to respond to or answer any claim that the Court has dismissed. Plaintiffs
reserve their appellate rights with respect to those dismissed claims.

1 human drug experimentation by the Federal Bureau of Narcotics (“FBN”), now the Drug
2 Enforcement Administration (“DEA”). This vast program of human experimentation —
3 shrouded in secrecy — was centered at the Army’s compounds at Edgewood Arsenal and Fort
4 Detrick, Maryland. The human experimentation was conducted without the informed consent of
5 its subjects and in direct contravention of applicable legal standards and principles of
6 international law. Representatives of DEFENDANTS had also, on many occasions, promised the
7 test participants (“volunteers”) that they would receive medals for volunteering, as well as health
8 care, but they instead abandoned Plaintiffs and the other participants, hiding behind the insulating
9 walls of government bureaucracies and security classifications. Indeed, DEFENDANTS actively
10 concealed the existence of the human experimentation tests and the test results from the outside
11 world, and destroyed most of the documentation of the tests once their existence began to leak.
12 As a result, Plaintiffs and the other service personnel, many of whom are debilitated, have been
13 left to fight their demons alone for decades without health monitoring, follow-up, or medical
14 treatment from DEFENDANTS. Instead, DEFENDANTS’ tactic and strategy have been to
15 ignore the victims and delay action with the expectation that their problems will disappear as the
16 victim population ages and dies.

17 3. DEFENDANTS’ human experimentation program was far-ranging and had many
18 purposes, including by way of example the following:

- 19 a. To develop non-lethal but incapacitating agents that could be disseminated
20 by airplanes in all environments;
- 21 b. To explore what levels of various chemicals would produce casualties (the
22 so-called “man-break” tests);
- 23 c. To research techniques to impose control over the will of an individual,
24 including neuron-surgery, electric shock, drugs, and hypnosis;
- 25 d. To design and test septal electrodes that would enable DEFENDANTS
26 directly to control human behavior;
- 27 e. To produce a “knockout” pill that could surreptitiously be dropped into
28 drinks or added into food;

- 1 f. To develop a substance that could produce “pure euphoria” with no
- 2 subsequent let-down;
- 3 g. To derive an undetectable substance that would lower the ambition and
- 4 general working efficiency of humans;
- 5 h. To develop a substance that would cause mental confusion and make it
- 6 more difficult to fabricate answers under questioning;
- 7 i. To create a substance that would alter personality structure and induce
- 8 dependency on another person;
- 9 j. To develop a substance that would promote weakness or temporarily
- 10 compromise hearing or eyesight;
- 11 k. To perfect a substance that could be administered surreptitiously, which
- 12 would prevent someone from performing any physical activity;
- 13 l. To identify a substance that would promote illogical thinking or
- 14 impulsiveness;
- 15 m. To develop a substance that would increase, prevent or counteract the
- 16 intoxicating effects of alcohol;
- 17 n. To create materials that would facilitate the induction of hypnosis or
- 18 enhance its usefulness;
- 19 o. To identify substances that would enhance an individual’s ability to
- 20 withstand torture, privation, interrogation or brain-washing;
- 21 p. To derive substances that would produce physical disablement, paralysis,
- 22 or acute anemia; and
- 23 q. To find a substance capable of producing extended periods of shock, mania
- 24 and stress, and confusion or amnesia.

25 In short, under this program of human experimentation, the roles of military doctors were
26 reversed from healing to purposely exposing their patients to harm in violation of their
27 Hippocratic oaths.

28

1 4. In the early stages of DEFENDANTS' experimentation program at Edgewood
2 Arsenal, DEFENDANTS recruited armed services personnel from relatively close military
3 facilities such as Fort Knox, Kentucky, Fort Meade, Maryland, and Fort Monmouth, New Jersey.
4 By late 1956, however, DEFENDANTS' psychochemical compound experiments had begun and
5 DEFENDANTS were unable to procure enough "volunteers" from nearby military facilities. In
6 April 1957, the Department of the Army directed Army commanders to assist in the recruitment
7 of "volunteers" from military facilities from across the nation. (*See* Office of the Inspector
8 General and Auditor General, U.S. Dep't of Army, Use of Volunteers in Chemical Agent
9 Research, Report DAIG-IN 21-75 (1976) (hereinafter "1976 Army IG Report") at 68-70.) Each
10 of the commanders of the six armies was required to provide a minimum of thirty "volunteers"
11 per month on a rotating basis, with each commander responsible for providing "volunteers" for
12 two months each year. For example, the Sixth U.S. Army, headquartered at the Presidio in
13 San Francisco, California, was responsible for providing "volunteers" in the months of June and
14 December of each year. The Army commanders were directed to the June 30, 1953
15 Memorandum setting forth Army policy on the Use of Volunteers in Research (*see*
16 paragraph 125), were instructed that "the voluntary consent of the human subject is absolutely
17 essential," and were assured that all human test subjects would be "thoroughly informed about all
18 procedures, and what can be expected during each test." (*See* Memorandum from Army Office of
19 the Adjutant General to Commanding Generals ZI Armies, Subject: "Use of Volunteers in
20 Research" (Apr. 18, 1957).)

21 5. DEFENDANTS used at least 7,800 armed services personnel in the
22 experimentation program at the Edgewood Arsenal alone, the vast majority of which were troops
23 from the Army, although troops from the Air Force and Marines also were used. DEFENDANTS
24 used code names to refer to the substances administered to soldiers, and the true identities, doses,
25 and properties of at least 250, but as many as 400, chemical and biological agents administered to
26 soldiers at the Edgewood Arsenal, or to other "volunteers" under contract to the Edgewood
27 Arsenal, were not disclosed. For example, in 1970, DEFENDANTS provided Congress with an
28 alphabetical list showing that they had tested 145 drugs during Projects Bluebird, Artichoke,

1 MKULTRA and MKDELTA. Among the broader group of substances or agents tested were the
2 following:

3 ••• **amphetamines**;

4 ••• **anticholinesterase chemicals** such as the “reversible” inhibitors physostigmine
5 (eserine), tacrine, and mylaxen; and more lethal nerve agents such as VX (Edgewood Arsenal
6 designation EA 1701) (a V-series agent developed in England in the early 1950s that is one of the
7 most deadly chemicals known to man) and sarin (military designation GB; EA 1208), tabun (GA;
8 EA 1205) and soman (GD; EA 1210) (G-series nerve agents, all of which were developed in
9 Germany in the 1930s and 1940s), and other lethal compounds such as cyanide;

10 ••• **anticholinergic drugs** such as atropine, scopolamine and nonlethal, though
11 potentially harmful, incapacitating agents such as BZ (EA 2277), CAR302,688, and other
12 glycolate compounds such as EA 3580;

13 ••• **barbiturates** such as secobarbital;

14 ••• **biochemicals** such as thiols, hydrogenated quinolines, and indole alkaloids;••

15 ••• **cholinesterase reactivators**, such as the pralidoxime chloride (2-PAM or
16 EA 2170) and its methyl methanesulfonate derivate P2S, toxogonin (EA 3475) and TMB-4
17 (EA 1814) (all of which are oximes);

18 ••• **irritants** such as chloropicrin (PS), the riot control agents brombenzyl cyanide
19 (CA), α -chlorobenzylidene malononitrile (CS or EA 1779), chloroacetophenone (CN or Mace),
20 nonanoyl morpholide (EA 1778) and disphenylaminochlorasine (DM, an arsenic, or Adamsite);
21 and vesicants (blister agents) such as mustard gas (H) and mustard agents, and Lewisite;

22 ••• **narcotic antagonists** such as N-Allil Murmorphine and other drugs to counteract
23 the effects of morphine, methadone, and other narcotics;

24 ••• **nettle agents** such as phosgene, also known as dichloroformoxime or CX, a highly
25 toxic, irritating, and corrosive gas that was first used as a chemical weapon during World War I;

26 ••• **psychochemicals** such as LSD and its analogues, phencyclidine (SNA or Sernyl,
27 also known as PCP) (commonly referred to using the code name “L-Fields” or “K-Agents”), THC
28 and synthetic analogs of cannabis (about 50 times the then street strength of marijuana) such as

1 dimethylheptylpran (DMHP or EA 1476) and its acetate form EA 2233; and mescaline and
2 mescaline derivatives; and

3 ••• **tranquilizers** such as valium, trilafon, and thorazine.

4 6. DEFENDANTS videotaped many of the experiments involving “volunteers” at
5 Edgewood, as evidenced by releases signed by many of the “volunteers.”

6 7. Varying doses of each substance were administered to the “volunteers,” typically
7 through multiple pathways, including through intravenous, inhalation, oral and percutaneous.

8 Placebos were used in only some, but not all of the studies, in an effort to defray costs.

9 8. The experiments involving human subjects were one of the key beneficiaries of the
10 recruitment of over 1,500 scientists and technicians from Nazi Germany in “Project Paperclip,”
11 some of whom played a pivotal role in, *e.g.*, the testing of psychochemicals and development of a
12 new truth serum. Over half of these recruits had been members of the SS or Nazi Party. The
13 “Paperclip” name was chosen because so many of the employment applications were clipped to
14 immigration papers.

15 9. In addition to the human experimentation using military personnel that took place
16 at Edgewood Arsenal and Fort Detrick, DEFENDANTS also contracted with outside researchers
17 at hospitals, universities, consultants, and prisons to conduct additional human tests of chemical
18 and biological substances. The Army Inspector General reported that such contracts were an
19 “important and integral” part of DEFENDANTS’ human experimentation program and typically
20 included provisions requiring the contractors to observe basic army policies for Use of Volunteers
21 in Research as set forth in the June 30, 1953 policy Memorandum described in paragraph 125
22 below. In 1975, the Commander at Edgewood Arsenal reported to the Army Inspector General
23 the results of a study designed to identify and quantify Army expenditures related to the
24 development of chemical incapacitating agents. That study identified numerous contracts from
25 1958 to 1965 between DEFENDANTS and outside research institutions, including multiple
26 contracts (for tens of thousands of dollars) with the University of California, the Regents of the
27 University of California, and with Stanford Research Institute, which was founded in 1946 by the
28 trustees of Stanford University in Palo Alto, California. In a follow up study completed in 1976,

1 the Comptroller at Edgewood Arsenal identified additional contracts worth more than \$2 million
2 with Stanford Research Institute between 1964 and 1968 related to DEFENDANTS'
3 experimentation program. (See 1976 Army IG Report, Chapter X "Contracts with Civilian
4 Institutions," Chapter XI "Incapacitating Agents Cost Review," & Section III "Contract Costs.")

5 10. DEFENDANTS obtained materials from major pharmaceutical companies, which
6 included drugs found to be commercially non-viable due to hazards and undesirable side effects
7 (the so-called "rejects"), such as phenylbenzeacetic acid or "brown acid." Other test substances
8 included amphetamines, anticholinergic drugs, including glycolate types of anticholinergic
9 compounds, dimethyltryptamine (a drug similar to LSD), glycolate compounds such as EA 3580
10 (the prefix "EA" indicating an Edgewood Arsenal substance), mescaline and mescaline
11 derivatives, oximes such as pralidoxime chloride, phosgene, secobarbitol, and many others.
12 These experiments also used civilian "volunteers" such as college students, who were paid small
13 sums to participate, or prisoners.

14 11. The doses of these chemicals administered to the service members were at times
15 several multiples above the known toxic threshold, causing excruciating pain, blackouts, memory
16 loss, hallucinations, flashbacks, trauma, psychotic disorders, and other lasting health problems.
17 Indeed, a 2007 study found that PTSD rates amongst veterans exposed to chemicals in research
18 projects were higher than those of combat veterans. In some instances, the "volunteers" suffered
19 grand mal seizures, epileptic seizures or acute paranoia. In at least a few instances, the victims
20 died. Initially, the research program was limited to "defensive" purposes such as the testing of
21 gas masks or development of antidotes, but it quickly was expanded to offensive uses with no
22 practical limits and blatant disregard of required procedures.

23 12. Not only did DEFENDANTS repeatedly violate principles of ethics and human
24 decency, as established by international law and convention through, among other
25 pronouncements, the Nuremberg Code and the Declaration of Helsinki, but they also violated
26 their own regulations and the U.S. Constitution.

27 13. The expansive scope of DEFENDANTS' undertakings resulted in *ad hoc* leaks of
28 bits of information about their nefarious activities. Eventually, Congress convened hearings in

1 1975 to 1977 in an attempt to shed some light on the top-secret Edgewood and other experiments.
 2 During these hearings, the “pass the buck” strategy began. Admiral Stansfield Turner, the CIA
 3 Director, promised to locate participants in the tests and compensate those whose conditions or
 4 diseases were linked to their exposures during the programs of human experimentation. Turner
 5 assured a joint Congressional Committee that the CIA was working with both the Attorney
 6 General and the Secretary of Health, Education and Welfare “to determine whether it is
 7 practicable . . . to attempt to identify any of the persons to whom drugs may have been
 8 administered unwittingly,” and was “working to determine if there are adequate clues to lead to
 9 their identification, and if so, how to go about fulfilling the Government’s responsibilities in the
 10 matter.” (*Project MKULTRA, The CIA’s Program of Research in Behavioral Modification: Joint*
 11 *Hearing Before the S. Select Comm. on Intelligence and the Subcomm. on Health and Scientific*
 12 *Research of the S. Comm. on Human Resources, 95th Cong. (1977) at 8.*) Thereafter, the
 13 Attorney General assumed responsibility for the overall governmental effort to locate
 14 “volunteers,” with the other DEFENDANTS providing a supporting role. On January 10, 1979,
 15 Director Turner passed off responsibility for finding and compensating the victims of certain MK-
 16 related programs to the Department of the Army.

17 14. On July 17, 1978, in response to an opinion request from the CIA, the Department
 18 of Justice issued a twenty-five page opinion (the “DOJ Opinion”) that concluded:

19 [T]he CIA may well be held to have a legal duty to notify those
 20 MKULTRA drug-testing subjects whose health the CIA has
 21 reason to believe may still be adversely affected by their prior
 involvement in the MKULTRA drug-testing program [and] that
 an effort should thus be made to notify these subjects

22 (Emphasis added.) A true copy of the DOJ Opinion is attached as Exhibit A hereto, and
 23 incorporated by this reference. (*See* Exh. A at A-006.) However, CIA General Counsel Anthony
 24 Lapham reinterpreted the DOJ Opinion in a July 24, 1978 memorandum to CIA Director Turner,
 25 which undermined the recommendations and conclusions in the DOJ Opinion. Turner approved
 26 the recommendations in Lapham’s memorandum on July 26, 1978.

27 15. DEFENDANTS’ promise in the 1970s to locate the victims of their human
 28 experimentation program, and to provide compensation and health care, proved to be hollow.

1 DEFENDANTS never made a sincere effort to locate the survivors. Rather, DEFENDANTS
2 quickly adopted a variety of artificial means to limit the number and scope of the population
3 entitled to notice, including eliminating “witting” participants (conveniently defined to include
4 anyone who had signed a general consent form); requiring that it first be established that the CIA
5 should bear “primary responsibility” for the conduct of the tests (taking advantage of the fact that
6 the CIA funded and controlled, but did not actually conduct most of the tests); eliminating tests of
7 substances that arguably did not qualify as “drugs,” and eliminating drugs that at the time of the
8 test were considered “not likely to produce long-term aftereffects.” On July 6, 2004, Admiral
9 Stansfield Turner confirmed in private correspondence that the CIA effort to locate the victims of
10 human experimentation did not yield any results other than confirming the death of one
11 individual. Yet, despite the CIA’s repeated representations over multiple decades that they could
12 not find any living persons who participated in Edgewood experiments and others, the CIA had in
13 fact secretly obtained a “large data base” from Edgewood Arsenal in 1974, which contained the
14 names and personal information of all the “volunteers.” Currently, at a point in time 35 years
15 later, the DOD claims to be still working to compile a registry of participants and does not expect
16 to complete work until 2011. “DoD plans to complete its active investigation of potential
17 exposures by 2011.” (See <http://fhp.osd.mil/CBexposures/>.)

18 16. As a result, DEFENDANTS failed timely to locate or notify test subjects, and
19 refused to provide compensation or medical screening or treatment to those participants who
20 contacted DEFENDANTS.

21 17. On or about January 25, 1990, DEFENDANT United States Department of the
22 Army issued updated regulations formally acknowledging its “Duty to Warn” research subject
23 volunteers. Those regulations provide:

24 *Duty to warn.* Commanders **have an obligation** to ensure that research
25 volunteers are adequately informed concerning the risks involved with
26 their participation in research, and **to provide them with any newly**
27 **acquired information that may affect their well-being** when that
28 information becomes available. **The duty to warn exists even after the**
individual volunteer has completed his or her participation in research.

1 See Army Regulation 70-25, *Use of Volunteers as Subjects of Research*, Chapter 3-2(h) (Jan. 25,
2 1990) (emphasis added). DEFENDANTS' failure to timely locate or notify test subjects about
3 information that has come into DEFENDANTS' possession concerning the human
4 experimentation program flies in the face of this clear mandate.

5 18. Congressional efforts to locate the "volunteers" and to require medical follow-up
6 achieved only limited success. In 2005, two United States Congressmen acquired and sent a list
7 of "volunteers" to the Department of Veterans Affairs ("VA") to facilitate delivery of the much-
8 needed, and long-denied, follow-up care. Although the VA offered follow-up medical
9 *examinations* to some, ongoing medical *care* was not provided. DEFENDANTS' failure and
10 refusal to fulfill their promise and duty to provide the "volunteers" with the information and
11 health care that many of them so desperately need continued.

12 19. Beginning at a time unknown to Plaintiffs, DEFENDANTS began to give some of
13 the "volunteers" access to portions of their available Edgewood files, although the records were
14 not available, incomplete, or heavily redacted in many cases. In addition to the redaction of entire
15 paragraphs or pages, DEFENDANTS redacted the names of virtually all the perpetrators from
16 documents prior to release. Some participants learned for the first time that they had been
17 exposed to chemical agents, including hallucinogenic and psychotropic drugs. These files
18 provided the first hints regarding a possible relationship between patients' ailments and the
19 chemical and biological exposures from Edgewood Arsenal. Other "volunteers" have never been
20 notified at all.

21 20. Plaintiffs have repeatedly petitioned Congress and DEFENDANTS to honor the
22 promises made to them, but DEFENDANTS have done nothing and have renounced any duty to
23 Plaintiffs, thereby depriving Plaintiffs of their lives and health, their property, and their honor.
24 Although wary of government retaliation, and believing that their health has been compromised
25 by DEFENDANTS' actions, Plaintiffs, all of whom were victims of the Edgewood tests, have
26 now come forward to challenge DEFENDANTS for needlessly exposing them to known toxins
27 and failing to fulfill their obligations and promises to make amends. Plaintiffs ask the Court to
28 use its equitable powers to check flagrant abuses of government power, and seek to avail

1 themselves of the Court’s truth-seeking function so that they can finally discover and expose the
2 embarrassing and painful history of America’s human experimentation on its own. This is their
3 story.

4 **B. Summary of Action**

5 21. This is a lawsuit for declaratory and injunctive relief in which Plaintiffs seek the
6 following equitable relief:

7 a. A declaration that any consent forms signed by Plaintiffs and members of
8 the class are not valid or enforceable; that Plaintiffs and the class members are released from any
9 further obligations under their secrecy oaths; that DEFENDANTS are obligated to notify
10 Plaintiffs and class members of all available information concerning the nature of the substances,
11 experimental procedures used, doses, health effects, and other available information; that
12 DEFENDANTS have violated the rights of Plaintiffs under the due process clause of the Fifth
13 Amendment; that DEFENDANTS’ human testing program violated the applicable government
14 directives; and other declaratory relief, as prayed for below; and

15 b. Injunctive relief enjoining DEFENDANTS, and anyone in concert with
16 them, from failing and refusing promptly to notify and provide medical care to Plaintiffs and class
17 members, and various other forms of injunctive relief, as prayed for below.

18 **C. Jurisdiction and Venue**

19 22. The Court has jurisdiction over the subject matter of this action pursuant to
20 28 U.S.C. § 1331, and 5 U.S.C. § 702. The action arises out of the Constitution of the United
21 States, and Plaintiffs seek to redress violations of the First and Fifth Amendments to the United
22 States Constitution and other constitutional provisions recited herein. Plaintiffs also seek a
23 declaratory judgment pursuant to 28 U.S.C. § 2201, and seek to compel agency action unlawfully
24 withheld or unreasonably delayed pursuant to 5 U.S.C. § 706.

25 23. Venue is proper under 28 U.S.C. §§ 1402(a) and 1391(e), based on plaintiff
26 Swords to Plowshares: Veterans Rights Organization’s presence in this District, and because a
27 substantial part of the relevant events giving rise to Plaintiffs’ claims took place in this District, as
28 alleged herein, including in paragraphs 4, 9, 105-107, 111, 112, 137(e), 148, 154, and 168.

1 Plaintiffs believe that discovery will confirm that additional relevant events or omissions giving
2 rise to Plaintiffs’ claims took place in this District as well.

3 **D. The Organizational Plaintiffs**

4 24. Plaintiff VIETNAM VETERANS OF AMERICA (“VVA”), founded in 1978, is a
5 national non-profit organization primarily dedicated to the interests of Vietnam era veterans and
6 their families. The VVA’s founding principle is “Never again shall one generation of veterans
7 abandon another.” VVA has over 50,000 members, 46 state councils and 630 local chapters.
8 VVA’s principal goals are to promote veterans’ access to quality health care, to insure that
9 veterans receive mandated compensation for diseases or conditions that they have incurred during
10 or as a result of military service, to support the next generation of America’s veterans, including
11 Operation Iraqi Freedom and Operation Enduring Freedom (“OIF/OEF”) veterans, and to hold
12 government agencies accountable for their legal, ethical, and moral obligations to its veterans.

13 25. The purposes of the VVA, its State Councils, and its Chapters are:

14 A. To help foster, encourage, and promote the improvement of the
15 condition of the Vietnam-era veteran.

16 B. To promote physical and cultural improvement, growth and
17 development, self-respect, self-confidence, and usefulness of
18 Vietnam-era veterans and others.

19 C. To eliminate discrimination suffered by Vietnam-era veterans
20 and to develop channels of communication which will assist
21 Vietnam-era veterans to maximize self-realization and enrichment
22 of their lives and enhance life-fulfillment.

23 D. To study, on a non-partisan basis, proposed legislation, rules, or
24 regulations introduced in any Federal, State, or local legislative or
25 administrative body which may affect the social, economic,
26 educational, or physical welfare of the Vietnam-era veteran or
27 others; and to develop public policy proposals designed to improve
28 the quality of life of the Vietnam-era veteran and others, especially
in the areas of employment, education, training, and health.

E. To conduct and publish research, on a non-partisan basis,
pertaining to the relationship between Vietnam-era veterans and the
American society, the Vietnam War experience, the role of the
United States in securing peaceful co-existence for the world
community, and other matters which affect the social, economic,
educational, or physical welfare of the Vietnam-era veteran or
others.

1 F. To assist disabled and needy military veterans including, but not
2 limited to, Vietnam-era veterans and their dependents, and the
widows and orphans of deceased veterans.

3 26. Among VVA’s members are former members of our armed services who
4 participated in DEFENDANTS’ programs of human experimentation into drugs, chemicals, and
5 other substances, and have suffered or continue to suffer from the after-effects of such
6 experiments, as described in this Complaint, and have been barred from asserting or deterred
7 from asserting damages claims. Several of the Individual Plaintiffs are VVA members.

8 27. Plaintiff SWORDS TO PLOWSHARES: VETERANS RIGHTS
9 ORGANIZATION (“Swords” or “Swords to Plowshares”), is a California non-profit service
10 organization whose principal administrative office is in the South of Market District in
11 San Francisco. Swords also operates veterans housing projects at the Presidio and on Treasure
12 Island. Founded in 1974, Swords is a community-based, not-for-profit organization that provides
13 counseling and case management, employment and training, housing, and advocacy/legal
14 assistance to more than 1500 homeless and low-income veterans annually in the San Francisco
15 Bay Area and beyond. Swords promotes and protects the rights of veterans through advocacy,
16 public education, and partnerships with local, state, and national entities. For example, Swords’
17 Executive Director was appointed to the VA’s Advisory Committee on Homeless Veterans in
18 2002, and Swords advocates for veterans by, among other things, providing assistance with VA
19 disability claims and discharge upgrades, and through legislative comments and analysis.

20 28. Swords’ mission of service to veterans includes the sub-population of veterans
21 who served as guinea pigs in the testing of biological and chemical weapons. As a direct result of
22 DEFENDANTS’ actions and failures to act in connection with their human testing programs as
23 alleged herein, Swords has diverted and devoted, and expects to continue to divert and devote,
24 already scarce resources to provide additional services to veterans harmed by DEFENDANTS’
25 actions and failures to act. For example, Swords provided referral services to a U.S. Army
26 Vietnam veteran who reported that while in the military he had been “used as a guinea-pig in
27 Canada for chemical warfare testing new gas masks.” In addition, as part of its advocacy
28 program, Swords has provided initial counseling services during telephone counseling hours to

1 multiple Vietnam-era veterans who were not willing to disclose information related to potential
2 VA claims due to perceived secrecy obligations. As of December 2009, Swords is providing
3 legal services to a U.S. Army veteran located in Hanford, California, who was a test subject in
4 DEFENDANTS’ human experimentation program at Edgewood Arsenal. Swords believes that it
5 has in the past provided services to additional veterans who participated in DEFENDANTS’
6 chemical and biological weapons testing programs and Swords expects to continue providing
7 services to such veterans into the future.

8 **E. The Individual Plaintiffs**

9 **Bruce Price**

10 29. Plaintiff BRUCE PRICE (“Bruce”) joined the U.S. Army in May 1965. Bruce was
11 assigned to duty at Edgewood Arsenal for approximately two months in 1966 — from
12 February 27, 1966, to April 28, 1966. Before being assigned to Edgewood Arsenal, Bruce was
13 stationed at Ft. George G. Meade and that was where he returned until he was discharged in May
14 1967. Bruce was trained as a helicopter crew chief, and also had other assignments, such as a
15 door gunner.

16 30. Bruce first went through a battery of physical and mental evaluations at Edgewood
17 before being used as a test subject. Bruce and three other volunteers were taken into a room
18 where four doctors were present. Two of the doctors were dressed in civilian garb and two were
19 military doctors, including a colonel. The colonel, who seemed to be in charge, described the
20 program and in substance said: “We know you have heard rumors we use drugs here. Well I am
21 here to tell you that is true. We cannot tell you what they are. We do not know if the drugs will
22 have any harmful effects on you. But we have the finest medical facilities. Now, we can’t force
23 you to take these drugs, but if you do not, you will be sent back to your home unit with a bad
24 recommendation and it will be put in your DD Form 201 file and follow you for the rest of your
25 life.”

26 31. At some point, Bruce was asked to sign a general consent form that did not state
27 any information about the drugs to be given. When he started to read the forms, Bruce was
28

1 berated and told to hurry up and sign them. Bruce never received a Volunteer Booklet explaining
2 the details of the Edgewood assignment.

3 32. Bruce participated in several different experiments involving unknown substances.
4 Many decades later, he heard that some of the substances he was administered included BZ, LSD,
5 sarin, and ethanol. He is still not sure what he was given or in what doses. One of the drugs that
6 was administered to Bruce was given on a Monday, and Bruce did not begin to recover from the
7 drug's effect until Friday. He thought it was still Monday.

8 33. At one point, Bruce was ordered to visit a building with a chain link fence that
9 housed test animals, including dogs, cats, guinea pigs and monkeys. After reporting, Bruce was
10 strapped across his chest, his wrists, and his ankles to a gurney. Bruce occasionally would regain
11 consciousness for brief moments. On one such instance, he remembers being covered with a
12 great deal of blood, and assumed it was his own, but did not really know the source. Also
13 portions of his arms and the backs of his hand were blue. His wrist and ankles were bruised and
14 sore at the points where he had been strapped to the gurney. Bruce believes that this is the time
15 period during which a septal implant was placed in his brain.

16 34. DEFENDANTS placed some sort of an implant in Bruce's right ethmoid sinus
17 near the frontal lobe of his brain. The implant appears on CT scans as a "foreign body" of
18 undetermined composition (perhaps plastic or some composite material) in Bruce's right ethmoid,
19 as confirmed in a radiology report dated June 30, 2004.

20 35. Upon leaving Edgewood Arsenal, Bruce was debriefed by government personnel.
21 Bruce was told to never talk about his experiences at Edgewood, and to forget about everything
22 that he ever did, said or heard at Edgewood.

23 36. Within days or weeks of returning to Ft. George G. Meade, Bruce began to have
24 trouble with his memory. For example, things as simple as filling out a maintenance report on his
25 chopper and how to spell certain words suddenly became troublesome.

26 37. After being discharged from the service with an honorable discharge, Bruce
27 returned home to rural Tennessee. Within a few days Bruce suddenly left for the mountains with
28

1 a gun with intentions of killing himself. Bruce’s brother finally found him, and talked Bruce into
2 returning home.

3 38. Before Bruce revealed his experiences at Edgewood Arsenal, his family did not
4 know why he acted so strangely at certain times. Bruce finally told his wife about Edgewood,
5 and the fact that he would have flashbacks or visions where the road suddenly changed colors and
6 how he would get lost while trying to go to work. Bruce disclosed to his wife that he gets lost
7 easily, and did not remember places he had been to hundreds of times previously. Bruce’s wife
8 suggested that he avoid being close to radio waves, and when he did so, his symptoms seemed to
9 improve. Bruce’s wife also helped him to find out more about what was going on at Edgewood
10 Arsenal. A VA medical diagnostics test ruled out the possibility of Alzheimer’s Disease and
11 dementia.

12 39. In addition to memory problems, Bruce also suffers from PTSD, and at times is
13 suicidal. He has experienced uncontrolled fits of anger and loss of control, as well as flashbacks.
14 Although Bruce worked intermittently after Edgewood Arsenal, his entire life has been ruined.

15 40. Bruce has been completely disabled for many years, and received social security
16 disability payments from the age of 62 until he turned 66 in June, 2009, when he qualified for full
17 social security benefits. Bruce has been rated by the VA as 100% service-connected for PTSD
18 related to his service at Edgewood since 2005. He depends on his wife for much of his day-to-
19 day care, and his social security and VA compensation are his only means of financial support.

20 41. The account in this Complaint is pieced together from fragments of Bruce’s own
21 recollection, things he has told his wife in the past, and the results of his wife’s research, which
22 includes reviewing portions of Bruce’s military records. To this day, Bruce continues to be
23 haunted by nightmares and dreams about the doctors and what they did to him at Edgewood.

24 **Eric P. Muth**

25 42. Plaintiff ERIC P. MUTH (“Eric”) was 17 years old when he enlisted in the United
26 States Army on September 15, 1957. He was based in Missouri after completing his training and
27 some service, and was promoted to Specialist Fourth Class. In 1959, he entered the Army
28

1 Reserves. In 1960, Eric joined the National Guard where he remained until 1969 as Staff
2 Sergeant with top-secret clearance.

3 43. Early in his Army Career, Eric saw a notice on a bulletin board asking volunteers
4 to help the Army test protective equipment and to test riot gas. Eric signed up for the tour and in
5 May 1958 attended an orientation at Edgewood Arsenal. At this orientation, an officer spoke to
6 the enlisted soldiers, telling them that they would be testing military gear and riot gas. There was
7 no mention of any possible medical or health risks, and the soldiers were promised medical care
8 and either the Soldier's Medal or a special Congressional Medal, which was then under
9 consideration by Congress.

10 44. Following the orientation speech, the soldiers were given various forms to sign.
11 Included in these forms were a participation agreement and a security non-disclosure form. Eric
12 was warned that his Edgewood tour was top-secret and that he would be punished if he ever
13 discussed or disclosed any part of it to anyone. It is the mark of a good soldier to follow the
14 orders and instructions of officers without question or hesitation. Seventeen-year-old Eric,
15 wanting to show courage and to help his country, signed the forms without a second thought.
16 However, he never received a Volunteer Booklet that was supposed to be distributed to
17 participants.

18 45. The pre-experimentation physicals, x-rays, blood work, and psychological medical
19 tests run by the Army at the time indicated that Eric had heart problems, was paranoid and manic.
20 There were concerns about his mental condition and stability, making him an unsuitable
21 candidate for human experimentation according to DEFENDANTS' own guidelines. This,
22 however, did not stop the Army from enrolling Eric as a human guinea pig in its tests. (In fact,
23 Edgewood had no psychiatrist until 1961, when James S. Ketchum, M.D., assumed that position.)

24 46. Eric became Medical Volunteer Number 781. From May to June 1958, Eric was
25 exposed at least to seven different rounds of chemical agents. He would enter a chamber with
26 several other "volunteers" all of whom wore chemical masks — the equipment Eric believed he
27 was testing — and the chamber would suddenly fill with gas. The so-called "protective gear" was
28 always entirely inadequate, and Eric felt searing pain before losing consciousness. Eric and the

1 other soldiers were unaware that the masks were a charade of deception: they were designed to
2 fail so that the subject soldiers would inhale the highly dangerous and toxic chemicals. The
3 undisclosed purpose of the tests was to determine the impact of these biological and chemical
4 agents upon human beings.

5 47. Eric “volunteered” for a second tour at Edgewood, which occurred from
6 November to December 1958, during which period Eric was exposed to three or four rounds of
7 chemical agents. Although doing his best to be brave, Eric had no idea of what they were doing,
8 and he did experience some fear and knee buckling. One such test was conducted by injecting a
9 chemical substance intravenously in one arm while simultaneously withdrawing blood from the
10 other arm. Exposure to DM (“Adamsite,” an arsenic compound) caused him to fall to the floor
11 vomiting.

12 48. In another test, Eric was given an unidentified pill to swallow. After being
13 exposed to what he much later learned was EA 1476, he remembers being delirious, arms and
14 legs flailing, unable to stand or walk and crawling to the water fountain to drink, falling, and
15 being ordered to void in jars. As a result of another exposure, Eric lost consciousness for
16 approximately three days, had an extremely low blood pressure, and suffered severe
17 hallucinations. His exposures record contains lines doctored by a magic marker so that they
18 cannot be read. He also has a reoccurring dream with an “out of body experience.”

19 49. To this day, Eric continues to have flashbacks of his nightmares, and received a
20 dual diagnosis of both PTSD and bipolar disorder. He is anxious and high strung. At times, he
21 has been suicidal. Being confined in small spaces, such as an elevator, terrifies him because it
22 reminds him of a gas chamber, and he finds himself planning escape routes for any building,
23 store, or space he frequents. He is fixated on keeping doorways within view. Eric’s list of
24 physical ailments is long: he has heart problems; post-surgery for aneurisms in both legs;
25 allergies; sinus issues; emphysema; gastro-intestinal disorders; hearing loss; tinnitus, vestibular
26 dysfunction; brain ischemia; and spinal degeneration. Notwithstanding these problems, Eric
27 pursued a successful career as an optician.

1 attendees that they would not be harmed, that the tests were risk free, and that the drugs given
2 would not be above normal doses. Frank never was told what he would be testing, nor was Frank
3 warned of any hazards. Frank signed up for the program. He was given a number of tasks and
4 quizzes to test his competency. He also was asked to sign various forms, including a release
5 form. A self-described “country boy” who had never been exposed to street drugs, let alone
6 heard of chemical and other hazardous substances used by the Army, Frank had no clue of what
7 he was in for. He simply signed the form handed to him. Frank was never given a Volunteer
8 Booklet.

9 55. Frank was stationed at Edgewood Arsenal for a 60-day tour from September 1,
10 1968, to the end of October 1968. Although he does not remember ever signing a security non-
11 disclosure form, he was instructed to never talk about any of his tests. As his first test, he was
12 given an injection that had no discernable effect on him, possibly because it may have been a
13 placebo.

14 56. The second experiment on Frank, however, proved to be an entirely different story.
15 Frank was taken into a chamber by two individuals in white coats. He was placed in front of a
16 face mask and told to breathe normally. Frank did so, at which point he heard a valve click and
17 smelled some gas. Within one breath, Frank began to lose consciousness. He struggled to
18 breathe and had difficulty seeing. He felt dizzy, drunk, nauseous, and had the acute sensation that
19 his legs were falling through the floor. He vaguely recalls being carried out of the chamber by
20 two men in white coats. Over the next two to three days, Frank was hallucinating and high: he
21 thought he was three feet tall, saw animals on the walls, thought he was being pursued by a 6-foot
22 tall white rabbit, heard people calling his name, thought that all his freckles were bugs under his
23 skin, and used a razor to try to cut these bugs out. No one from the clinical staff intervened on his
24 behalf even though he was told that the test subjects would be under constant supervision.
25 However, when questioned afterwards about the source of the blood, Frank told them that he
26 dropped his razor while shaving. He was too embarrassed to tell them the truth about what had
27 happened. Frank’s records show that on that day he was given the glycolate, CAR 302668, an
28

1 anticholinergic with properties identical to atropine, at a dose above the calculated incapacitating
2 amount.

3 57. Frank's available records from Edgewood indicate that he participated in a third
4 round of testing during his tenure at Edgewood. To this day, he is unable to recall a single detail
5 from this period of time. However, Frank's records suggest that the substances he received were
6 code-named EA 2233-1 and EA 2233-2. Frank knows nothing about these substances, but
7 internet research has revealed that EA 2233 is a non-lethal incapacitating agent that is actually
8 DMHP, and is related in structure to THC. It has eight stereoisomers, which differ markedly in
9 potency, and the most potent stereoisomer was EA 2233-2. DHMP produces sedation and
10 hallucinogenic effects similar to THC, but also is known to cause hypotension (low blood
11 pressure), severe dizziness, fainting, ataxia and muscle weakness.

12 58. When he was released from Edgewood, Frank was promised follow-up medical
13 care. However, the Army never checked in or followed up with Frank. Instead, they sent Frank
14 to fight in Vietnam.

15 59. Today, Frank suffers from memory loss, anxiety, vision problems, difficulty
16 breathing, and sleep apnea. He still has nightmares about his time at Edgewood, has a short
17 temper, and is highly distrustful of authority figures. Because he believed that his Edgewood
18 service was top-secret and because he feared punishment for disclosure, Frank did not even tell
19 his own doctor what he had been through until around 2006. He currently receives 80% VA
20 disability compensation for obstructive lung defect, anxiety disorder, hearing loss and tinnitus.

21 60. During his assignment to Edgewood, Frank received \$1.50 per day in pay for
22 travel and a certificate saying that he was an Edgewood participant. He never received any award
23 or medal. Further, Frank did not receive any follow-up check-ups, care or treatment.

24 61. Recently, Frank's medical problems have worsened and his health has
25 deteriorated. As a result, Frank is no longer able to work the job that he held for over 28 years.

26 **Larry Meiorow**

27 62. Plaintiff LARRY MEIROW ("Larry") was called up to the United States Army in
28 the last draft call of the Vietnam Era. He was 19 when he entered the Army as a Private in

1 June 1972. Larry served on active duty until March 1974 when he joined the National Guard. He
2 returned to active duty in 1975 for 45 days to fulfill his military commitment.

3 63. After being called up in the draft, Larry entered basic training which he completed
4 in August 1972. Shortly thereafter, in October 1972, his Company Commander came out to the
5 morning formation and asked for volunteers to go to Edgewood. The members of the company
6 were told that they would be testing military equipment and would be given 3-day weekends and
7 extra pay of \$2.00 per day. Still standing in morning formation, the soldiers were asked to raise
8 their hands if they were interested. Larry raised his hand.

9 64. When morning formation was dismissed, Larry asked the officer for more details
10 about Edgewood. Larry was told that those who were selected would learn more once at
11 Edgewood. Larry soon received orders to report to Edgewood by November 3, 1972.

12 65. Upon reporting to Edgewood, Larry was given paperwork to sign, but was not
13 given the advance opportunity to read or review the contents. He was not given a Volunteer
14 Booklet. Instead, he was berated and ordered to hurry up and complete the forms. Larry was also
15 given psychological and medical exams and was examined by a psychiatrist.

16 66. During a group presentation, the soldiers were promised a commendation medal
17 and health care should anything go wrong. They also were ordered to never disclose any details
18 of their Edgewood experience and were told that if they disobeyed they would be imprisoned.
19 After this orientation, the soldiers were released to the camp where they would go into the day
20 room to play ping pong and wait for their names to be called up.

21 67. Sometime around November 11, 1972, Larry was called out of the day room and
22 driven to another building. He was ordered to put on a hospital gown and told to lie down on a
23 table. The people in charge attached leg and arm straps to buckle him down and hold him in
24 place. He was told that he was going to be injected with a harmless substance.

25 68. Instead, they injected Larry with a substance that caused a burning sensation
26 through his veins and made his head feel like it was going to explode. Larry felt like he was on
27 fire and blacked out from the pain. He cannot recall what happened next, but only remembers
28 regaining consciousness in a bunk bed in a recovery area. While in the recovery area, he was

1 given urine tests every 24 hours. He was told that he would have to continue to have frequent
2 urine tests even after returning to his permanent base and that he should continue to have them
3 done even after he had been discharged.

4 69. For over 30 years since Edgewood, Larry has had ongoing symptoms of
5 fibromyalgia, joint pain, tremors, and numbness. He has suffered from a splitting headache on
6 the right side of his head, with blurred vision and difficulty swallowing. His head often feels
7 numb and at times he has uncontrollable drooling. He has hearing loss in both ears and wears a
8 hearing aid in one ear. He has almost completely lost his short-term memory, and some loss of
9 his long-term memory. He has been worked up by multiple specialists and diagnosed with cysts
10 on both kidneys, and pre-cancerous polyps of the colon. His EMG tests were positive for
11 polyneuropathies and pathology in both upper and lower extremities, and he has demonstrated
12 persistent problems with balance and fine motor skills. He has severe stomach aches and his
13 gallbladder had to be removed. He has fatty tissue surrounding his liver. He has been unable to
14 sleep a full night for over three decades. He has had periods where sobriety became an issue, has
15 been arrested several times, and has had difficulty holding down jobs for long periods of time.
16 Larry was so fearful of disobeying the confidentiality order and so traumatized by recalling the
17 events that he did not tell his spouse of 37 years or his doctors what he had been through until
18 approximately 2003.

19 70. When he was 49 years old, Larry had to quit working due to his health condition,
20 and he has been receiving Social Security disability payments since 2004. On Larry's behalf, the
21 VA requested his medical papers from Edgewood. However, Edgewood Arsenal sent a letter to
22 the VA dated May 24, 2005 confirming that Larry had been assigned to serve at Edgewood, but
23 denying that Larry had actually participated in any of their experiments. Larry has never received
24 the health care or medal of commendation that he was promised.

25 **David C. Dufrane**

26 71. The day after Plaintiff DAVID C. DUFRANE ("David") graduated from high
27 school in June 1964, he enlisted in the United States Army as a Private E1. David was 17 years
28 old. He served in the Army until June 1967. He served in both Thailand and Edgewood.

1 72. In March 1965, while based at Fort Knox, Kentucky, David saw a flyer looking for
2 volunteers to test clothing and equipment. David asked his Platoon Sergeant what the Edgewood
3 program was about. David's Platoon Sergeant responded that he did not know, but that since it
4 was located near some testing grounds, the volunteers might be testing military equipment.
5 David decided to go to an informational meeting.

6 73. At the informational meeting, David was told that volunteers would be testing
7 clothing and military equipment. David was also told that they would not have guard duty, would
8 not have KP, would be granted increased amounts of vacation, and would receive a special
9 commendation. Following the information session, David was given a battery of physical and
10 written tests. Like the others, he did not receive the Volunteer Booklet.

11 74. Shortly thereafter, David received orders to report to Edgewood in April 1965. He
12 reported for duty at Edgewood on April 4, 1965. After completing a questionnaire regarding
13 routine medical data, David waited for his name to be called.

14 75. In all, David was used as a human test subject in at least eight experiments. He is
15 able to remember only four of them. Gas was sprayed directly onto his face, causing extreme
16 burning and blindness that lasted for eight hours. Chemicals were sprayed on his body that, when
17 exposed to black light, turned his body purple. While held in padded rooms, David was injected
18 with substances that made him hallucinate for days. He believed that he was eating entire cities
19 and vomited from the taste of the concrete in his mouth. He also was forced to drink liquids that
20 made him think objects that he held in his hand had disappeared or were invisible.

21 76. David was held at Edgewood from early April to the end of May 1965. He spent
22 most of that time entirely incapacitated. As soon as he was finished with one test — and
23 sometimes when he was still under the influence of unknown chemical substances — he would be
24 assigned to participate in another test. He cannot remember much of what happened during that
25 time.

26 77. David was later told by the Army that he had signed releases for every test in
27 which he had participated. However, he does not remember ever seeing or signing any release.
28 Edgewood provided him with three examples of his supposed releases. One of these releases was

1 dated in June 1964, *prior to his entry into the armed services* and at a time when he was still in
2 high school. Another was dated in 1969, *after he had already left the Army*. None of these
3 supposed releases contain any specific information or details as to what he was allegedly agreeing
4 to do.

5 78. At his exit interview in 1965, David was told that his service at Edgewood was top
6 secret. He was directed to sign a confidentiality agreement, which he complied with. He also
7 was told that he should not speak with either a private doctor or the VA about his Edgewood
8 experience, and that the Army or Edgewood would provide him with any follow-up care he might
9 need.

10 79. David suffers from frequent flashbacks. His arms and legs are numb and tingle
11 almost all of the time. He has a chronic headache on the left side of his head, and has broken all
12 of the teeth on the left side of his jaw due to grinding from the always-present pain. He has
13 severe breathing and lung problems and almost always hears a hissing noise in his ears.

14 80. David tried to get medical care in 1986. When he approached his VA for
15 assistance, he was told that he was hallucinating and making things up — he was told that
16 Edgewood never happened and that he had never served there. For the next 6 years, David did
17 not seek medical care, fearful that no one would believe him and unable to back up his claims.
18 After his daughter discovered his Edgewood release papers in the attic, David was able to return
19 to the VA with proof of his Edgewood service. Doctors have since linked his ailments to his
20 chemical exposure while at Edgewood. However, he has never been given the follow-up medical
21 care or medal of commendation that he was promised. David recently was awarded the Vietnam
22 Service Medal with two Bronze Service Stars for the Vietnam Defense Campaign and the
23 Vietnam Counter-Offensive Campaign. David currently receives 60% VA disability
24 compensation for post-traumatic stress disorder.

25 **Former Individual Plaintiff Wray C. Forrest**

26 81. Former Plaintiff WRAY C. FORREST (“Wray”) was 17 years old when he
27 enlisted in the United States Air Force. He served in the Air Force from 1967 to 1969 and then,
28 at the age of 19 in January 1969, enlisted in the Army. He served in the Army for 14 years and

1 was honorably discharged in 1982 at the grade of E-7 (Sgt. First Class). He was discharged for
2 alleged personality disorders.

3 82. While posted at Fort Stewart, Georgia, Wray saw flyers announcing tours of duty
4 at Edgewood. A meeting was being held at the local post theater. Out of curiosity, Wray
5 attended. At the meeting representatives from Edgewood announced that they were looking for
6 soldiers to test Army equipment, vehicles, military combat equipment, and the like. The
7 representatives said that soldiers selected to participate would have a 4-day work week, with a
8 guaranteed 3-day pass, and would receive a Commendation Medal for their service. There was
9 no mention of testing drugs, nor was there any disclosure of hazards or potential risks.

10 83. Soldiers interested in the opportunity to serve at Edgewood were invited to remain
11 at the post theater to participate in a number of screening interviews. Wray was asked to sign
12 forms saying that he was interested in serving at Edgewood and was then given written and
13 psychiatric tests. Eight to ten weeks later, Wray received notification to report to personnel to
14 pick up his Temporary Duty Orders. He was one of two people from his post ordered to
15 Edgewood Arsenal.

16 84. After Wray arrived at Edgewood in 1973, he remembers signing some sort of form
17 consenting to test aircraft equipment. He was ordered to report for testing early Monday
18 morning. It was only at this point — after he had been ordered to serve at Edgewood, after he
19 had reported for duty at Edgewood, after he had signed the consent forms to perform tests on
20 aircraft, and after he showed up on Monday morning for testing — that he was verbally informed
21 that he would be used to test drugs. He never received a Volunteer Booklet. He was issued a
22 special identification card to present in the event that he were ever arrested for drug use based
23 upon the track marks that would soon appear on his arms. At that point, because he was a soldier
24 following the orders of his officers, he felt that he did not have any real opportunity to back out or
25 return to his post. Wray became Medical Volunteer Number 6692.

26 85. Wray was a human subject in at least five Edgewood tests. The tests were
27 conducted in various places: the ward, an aircraft, a dark room with no light, and a classroom
28

1 setting. He was injected with various substances, and was then asked to describe his side effects,
2 which included dizziness, blurred vision, difficulty speaking, and a rapid heart rate.

3 86. Following his service at Edgewood, Wray has suffered traumatic stress disorder
4 and pulmonary and cardiac problems that has led to a 100% Social Security Disability rating. He
5 never received the Commendation Medal he was promised, nor recognition of any other kind.
6 Although still an active service member when the Army was requested to provide the names of all
7 soldier subjects during the Congressional Hearings in 1977, the Army never notified or contacted
8 Wray. In fact, the only time Wray has been contacted regarding his Edgewood service was by a
9 VA outreach survey in 2007, three decades after he completed his tour at Edgewood.

10 87. On August 31, 2010, after suffering with terminal lung, throat and lymphatic
11 cancer, Wray passed away.

12 **Common Issues Among Individual Plaintiffs**

13 88. None of the activities of Plaintiffs described herein constituted participation in
14 what can properly be considered to be military activities or implicated questions of military
15 discipline. None of the Plaintiffs or members of the proposed class are currently active members
16 of the military.

17 89. Except for a handful of veterans compensated by the passage of private bills,
18 DEFENDANTS have not compensated Plaintiffs or any class members for any of the damages
19 suffered as the proximate result of DEFENDANTS' actions or reimbursed Plaintiffs or class
20 members for the private medical care and treatment they have received. In contrast, the British
21 government in January 2008 provided full compensation to the participants in a parallel set of
22 human experiments on troops assigned to serve at Porton Down, near Salisbury, England.
23 Similarly, in 2004, the Canadian government adopted a payment program to recognize the service
24 of Canadian veterans who participated in chemical warfare experiments at Suffield, Alberta, and
25 Chemical Warfare Laboratories, Ottawa, from 1941 through the mid-1970s. The vast majority of
26 Edgewood participants have never received any notice from DEFENDANTS and at most a small
27 handful have ever received any health care or compensation from DEFENDANTS associated
28 with their participation in the MKULTRA experiments.

1 90. DEFENDANTS acquired esoteric and unique knowledge and information, most of
2 which was never made public, concerning the properties, doses, and health effects, both
3 immediate and latent, of the substances they tested. Most private physicians lack the background
4 and experience properly to treat many of the health effects of such substances, some of which
5 DEFENDANTS have never identified. As a result, the ability of the “volunteers” to obtain
6 suitable medical care has in many instances been, and continues to be, adversely impacted or
7 compromised.

8 91. Nothing herein is intended or should be construed as an attempt to obtain review
9 of any decision relating to benefits sought by any veteran or to challenge any benefits decisions
10 made by the Secretary of the VA. Likewise, nothing herein is intended or should be construed as
11 a request for money damages.

12 **F. DEFENDANTS**

13 92. Defendant CENTRAL INTELLIGENCE AGENCY (“CIA”) was created in 1947
14 by the National Security Act, which also established the Department of Defense and the National
15 Security Council (“NSC”). CIA was modeled largely after the Office of Strategic Services,
16 which served as the principal U.S. intelligence organization during World War II. The newly
17 created agency was authorized to engage in foreign intelligence collection (*i.e.*, espionage),
18 analysis, and covert actions. It was, however, prohibited from engaging in domestic police or
19 internal security functions. The CIA has publicly stated that no U.S. citizens should be the object
20 of CIA operations. Nonetheless, CIA engaged in a surreptitious, illegal program of domestic
21 human experimentation from the 1950s at least well into the 1970s.

22 93. Defendant LEON PANETTA, is the current Director of the CIA, and is named
23 solely in his official capacity. The Director of the CIA serves as the head of the CIA and reports
24 to the Director of National Intelligence. (The Intelligence Reform and Terrorism Prevention Act
25 of 2004 amended the National Security Act to provide for a Director of National Intelligence who
26 would assume some of the roles formerly fulfilled by the Director of Central Intelligence
27 (“DCI”), with a separate Director of the CIA.) The CIA Director’s responsibilities include:

28 (a) collecting intelligence through human sources and by other appropriate means, except that he

1 shall have no police, subpoena, or law enforcement powers or internal security functions;
2 (b) correlating and evaluating intelligence related to the national security and providing
3 appropriate dissemination of such intelligence; (c) providing overall direction for and
4 coordination of the collection of national intelligence outside the United States through human
5 sources by elements of the intelligence community authorized to undertake such collection and, in
6 coordination with other departments, agencies, or elements of the United States Government that
7 are authorized to undertake such collection, ensuring that the most effective use is made of
8 resources and that appropriate account is taken of the risks to the United States and those
9 involved in such collection; and (d) performing such other functions and duties related to
10 intelligence affecting the national security as the President or the Director of National Intelligence
11 may direct.

12 94. Defendant the DEPARTMENT OF DEFENSE (“DOD” or “DoD”) is the federal
13 department charged with coordinating and supervising all agencies and functions of the
14 government relating directly to national security and the military. The organization and functions
15 of the DOD are set forth in Title 10 of the United States Code. The DOD is the major tenant of
16 the Pentagon building near Washington, D.C., and has three major components — the
17 Department of the Army, the Department of the Navy, and the Department of the Air Force.
18 Among the many DOD agencies are the Missile Defense Agency, the Defense Advanced
19 Research Projects Agency (“DARPA”), the Pentagon Force Protection Agency (“PFPA”), the
20 Defense Intelligence Agency (“DIA”), the National Geospatial-Intelligence Agency (“NGA”),
21 and the National Security Agency (“NSA”). The department also operates several joint service
22 schools, including the National War College.

23 95. Defendant DR. ROBERT M. GATES is the current Secretary of Defense, and is
24 named solely in his official capacity. The Secretary of Defense is the principal defense policy
25 advisor to the President and is responsible for the formulation of general defense policy and
26 policy related to all matters of direct concern to the DOD, and for the execution of approved
27 policy. Under the direction of the President, the Secretary of Defense exercises authority,
28 direction and control over the DOD. The Secretary of Defense is a member of the President’s

1 Cabinet and of the National Security Council. In 1964, the DOD took primary responsibility for
2 the human experimentation “volunteers.” In 1993, the DOD promised to supply VA with
3 information to help “volunteers” with claims; however, the DOD did not fulfill that promise. On
4 December 2, 2002, Congress passed the Bob Stump National Defense Authorization Act for
5 Fiscal Year 2003. In that Act, Congress directed the Secretary of Defense to “work with veterans
6 and veterans service organizations” to identify “projects or tests conducted by the Department of
7 Defense that may have exposed members of the Armed Forces to chemical or biological agents.”
8 In February 2008, the U.S. Government Accountability Office reported to Congress that the DOD
9 had not met this duty, and that the DOD “has not kept Congress and veterans service
10 organizations fully informed about its efforts.” Indeed, for decades the DOD resisted release of
11 the names of the “volunteers” to the VA, as well as other available information.

12 96. Defendant UNITED STATES DEPARTMENT OF THE ARMY (the “Department
13 of the Army”) is one of three service departments of the Department of Defense. It has
14 responsibility for the administration of, control, and operation of the United States Army (the
15 “Army”), a military organization whose primary responsibility is for land-based military
16 operations. The civilian head of the Department of the Army is the Secretary of the Army, and
17 the highest ranking military officer in the department is the Chief of Staff, unless the Chairman of
18 the Joint Chiefs of Staff or Vice Chairman of the Joint Chiefs of Staff is an Army officer. The
19 Army is made up of three components: the active component, the Regular Army, and two reserve
20 components, the Army National Guard and the Army Reserve. As of October 31, 2008, the
21 Regular Army reported just under 546,000 soldiers. The Army National Guard (the “ARNG”)
22 reported 350,000 personnel and the United States Army Reserve (the “USAR”) reported 189,000
23 personnel, putting the approximate combined total at 1,085,000 personnel.

24 97. Defendant PETE GEREN is the current United States Secretary of the Army, and
25 is named solely in his official capacity. Secretary GEREN has statutory responsibility for all
26 matters relating to the United States Army: manpower, personnel, reserve affairs, installations,
27 environmental issues, weapons systems and equipment acquisition, communications, and
28 financial management. Additionally, Secretary GEREN is responsible for the Department of the

1 Army's annual budget and supplemental budget of \$170 billion. He leads a work force of over
2 one million active duty, Army National Guard, and Army Reserve soldiers, 230,000 Department
3 of the Army civilian employees and 280,000 contracted service personnel.

4 98. Defendant ERIC H. HOLDER, JR. is the current Attorney General of the UNITED
5 STATES OF AMERICA, and is named solely in his official capacity, and in connection with the
6 Attorney General's assumption of responsibility to notify the victims of biological and chemical
7 weapons tests.

8 99. The inclusion of each defendant named herein is necessary to afford complete
9 relief, and to avoid a multiplicity of actions and the possibility of inconsistent results.

10 **II. THE HISTORY OF THE GOVERNMENT'S USE OF CITIZENS AS TEST**
11 **SUBJECTS IN EXPERIMENTS INVOLVING RADIOACTIVE ISOTOPES,**
12 **CHEMICALS AND BIOLOGICAL AGENTS**

13 **A. DEFENDANTS' Use of Soldiers to Test Toxic Chemical and Biological**
14 **Warfare Agents**

15 **1. Overview of Testing Programs**

16 100. Edgewood Arsenal was originally established on October 20, 1917, six months
17 after the United States entered World War I, and one of its responsibilities was to conduct
18 chemical weapons research, development and testing. Edgewood also provided chemical
19 production and artillery shell filling facilities to respond to the chemical weapons that were being
20 used in the fighting in Europe. The main chemicals produced were phosgene, chloropicrin and
21 mustard. Edgewood offered a military facility where design and testing of ordnance material
22 could be carried out in close proximity to the nation's industrial and shipping centers. The
23 installation comprises two principal areas, separated by the Bush River. The Northern area was
24 known as the Aberdeen Proving Ground area. The southern sector, Edgewood Arsenal —
25 formerly called the U.S. Army Chemical Warfare Center — was located northeast of Baltimore,
26 Maryland, in the Northern Chesapeake Bay along a neck of land between the Gunpowder and
27 Bush rivers. The two areas were administratively combined in 1971.

28 101. During the 1930s, Edgewood Arsenal served as the center of the military's
Chemical Warfare Service activities. Workers developed gas masks and protective clothing,

1 tested chemical agent dispersal methods, and trained Army and Navy personnel. During World
2 War II, Edgewood Arsenal continued to produce chemical agents and plans for countermeasures
3 in case it became necessary to use them. Workers at Edgewood also tested and developed flame
4 thrower weapons and smoke screens. The Army Chemical and Biological Defense Command
5 (“CBDCOM”) is home to the Army’s non-medical chemical and biological defense activities,
6 including research, development, acquisition, and remediation issues associated with chemical
7 and biological defense.

8 102. By the end of World War II, the U.S. had produced more than 87,000 tons of
9 sulfur mustard, 20,000 tons of Lewisite, and 100 tons of nitrogen mustard at Edgewood Arsenal
10 and three other military facilities. In addition to producing chemical materials, Edgewood
11 became the first American military installation to test lethal agents on humans.

12 103. In 1942, DEFENDANTS for the first time sought formal authority to recruit and
13 use human subjects in a chemical warfare experiment involving mustard agents. (1976 Army IG
14 Report at 29-30.) The Acting Secretary of War authorized in principle the use of enlisted men as
15 subjects for testing of mustard agent on soldiers. Initially, volunteer investigators at Edgewood
16 Arsenal were used to test mustard, phosgene, and other known chemical agents. DEFENDANTS
17 continued to rely upon this same mustard gas authorization to conduct human experimentation
18 into the 1950s at Camp Siebert, Alabama, Bushnell, Florida, Dugway Proving Ground, Utah, and
19 off the coast of Panama near the Panama Canal Zone. (1976 Army IG Report at 30.)

20 104. On or about January 21, 1944, DEFENDANTS carried out a mission to test the
21 effects of mustard gas bombs on American prisoners who had volunteered for the assignment on
22 the understanding that they would be released from prison after it was concluded. These
23 volunteers were placed in underground fortified bunkers on an island off the coast of Australia.
24 In an effort to cover their tracks, DEFENDANTS used Australian pilots in American Air Force
25 planes to conduct an air strike on the fortified bunkers, hoping to gain information to plan the
26 invasion of Pacific Islands held by Japan. The secret mission was headed by Lt. Col. Jess
27 Crowther of the 5th U.S. Air Force. The prisoners were killed in the bombing, and
28 DEFENDANTS suppressed or destroyed information concerning the mission and its results.

1 105. From approximately 1949 to 1968, DEFENDANTS conducted open air field tests
2 of anti-personnel biological stimulants in numerous U.S. cities. For example, in 1950,
3 DEFENDANTS exposed the city of San Francisco to an aerosolized live bacteria called *serratia*
4 *marcescens*. On information and belief, this field test exposed military personnel and civilians
5 alike to *serratia marcescens*. See, e.g., *Nevin v. United States*, 696 F.2d 1229 (9th Cir. 1983).
6 The bacterium *bacillus globigii* also was used in the 1950 San Francisco test. Additional anti-
7 personnel field testing of *bacillus globigii* took place at Edgewood Arsenal in 1959. (See, e.g.,
8 U.S. Army Activity In the U.S. Biological Warfare Programs, Volume 2, Annex E, Appendix III
9 & Annex F (Feb. 24, 1977), included in *Biological Testing Involving Human Subjects by the*
10 *Department of Defense: Hearing Before the Subcomm. on Health and Scientific Research of the*
11 *S. Comm. on Human Resources*, 95th Cong. (1977).) DEFENDANTS also entered into numerous
12 Biological Warfare Research, Development, Test, & Evaluation (“RDTE”) Contracts with private
13 research institutions through Fort Detrick, including more than 20 contracts from 1950 to 1966
14 with the State of California, the University of California, Stanford University, and Stanford
15 Research Institute. (See *id.* at 80-100.)

16 106. In early 1952, the CIA effected an agreement with the Army Chemical Corps for
17 the performance of certain chemical and biological warfare research and development work by
18 the Army Chemical Corps at the Army’s laboratory facilities at Fort Detrick. CIA funding for
19 this program continued until the 1970s. Fort Detrick was the parent research and pilot plant
20 center for DEFENDANTS’ biological warfare programs, and became heavily involved in cancer
21 research after President Nixon declared a war on cancer in 1971. The National Cancer Institute
22 (“NCI”) spearheaded that effort. The Naval Biosciences Laboratory (“NBL”), in Oakland,
23 California, collaborated in open-air tests of biological warfare stimulants in the San Francisco
24 Bay Area in the 1950s, including by supplying personnel, lab facilities, and equipment for the
25 secret biological warfare stimulant exercise in San Francisco. The University of California
26 (“UC”) helped manage the NBL — earlier called the Naval Biological Laboratory. From
27 approximately 1953 to 1968, UC, while involved with the NBL, also had biological warfare
28 contracts with the U.S. Army. After U.S. treaty obligations prohibited open research on mass

1 production of dangerous viruses as a result of the Biological Weapons Convention (1972), this
2 program, at least officially, shifted its focus to defensive measures. A focus of the Fort Detrick
3 facility after the ban on offensive viruses was the large scale production of oncogenic (cancer-
4 causing) and suspected oncogenic viruses. Within about a year, DEFENDANTS had produced a
5 stockpile of approximately 60,000 liters of oncogenic and immunosuppressive viruses. In
6 addition, a research engineer at NBL who was a member of the NCI Biohazards Work Group
7 from the NBL, conducted research concerning the stability, virulence, and biological
8 characteristics of viral aerosols in the early 1970s.

9 107. Throughout the 1970s, the U.S. “defensive” biological warfare programs
10 increasingly focused on the research and development of viral disease agents. The seed stocks for
11 virus production came from the Cell Culture Laboratory (“CCL”), which was housed at the NBL.
12 The laboratory was partially funded by the NCI and connected to UC and it became a repository
13 for potentially cancer-causing tissues and tissues that might contain them. After the ban, the NBL
14 continued experimenting with biological agents, but as “defensive” research. The NBL contract
15 was concurrent with NBL projects with bubonic plague, Rift Valley and meningitis. The NBL
16 did additional research for Fort Detrick before the 1972 ban. The NBL also performed much of
17 the original research into biological warfare during World War II. During this same period of
18 time, DEFENDANTS began to test the effectiveness of possible vaccines for biological warfare
19 agents on military personnel, using, for example, troops at Army installations such as Fort Dix,
20 N.J., where soldier “volunteers” were used to test a vaccine for meningitis.

21 108. DEFENDANTS and other government agencies have reported conflicting
22 estimates regarding the total number of armed services members exposed at Edgewood Arsenal
23 and other locations. The VA has reported that, between 1950 and 1975, approximately 6,720
24 soldiers were used as human guinea pigs for experiments involving exposure to at least 254 toxic
25 biological and chemical warfare agents at the U.S. Army’s laboratories at Edgewood Arsenal.
26 These tests were conducted jointly by the U.S. Army Intelligence Board and the Chemical
27 Warfare Laboratories at Edgewood Arsenal’s research facility.
28

1 109. One of the principal objectives of activities at Edgewood and Fort Detrick was to
2 research and test drugs that could be used for “psychological warfare.” In accordance with this
3 policy, the United States government began human testing of newer chemical agents, including
4 LSD, PCP, and synthetic cannabis analogs.

5 110. DEFENDANTS also tested mustard agents on soldiers at Edgewood. From 1958
6 to 1974, the government conducted tests of the riot control agent CS on at least 1,366 human
7 subjects at Edgewood, including skin applications, aerosol exposures, and direct application to the
8 individuals’ eyes.

9 111. As part of DEFENDANTS’ human experimentation program, DEFENDANTS
10 determined that field tests of psychochemicals were necessary and should be performed to follow
11 up on laboratory experiments. The former Fort Ord, approximately five miles north of Monterey,
12 California, was suggested as a field test site because the low ground fog was considered “good
13 weather” for such tests.

14 112. DEFENDANTS conducted field tests at Fort Ord using military personnel. These
15 field tests included a 1964 test entitled “Road Operations in a Toxic Environment” and a 1975
16 test code named “Grand Plot III,” which was concerned with twelve common chemical defense
17 tasks. One purpose of these tests appears to have been to test nuclear, biological, and chemical
18 protective clothing. Reports, some classified as SECRET, detailing the results of the Grand
19 Plot III tests contain specific data concerning how much a soldier’s performance is degraded
20 while operating in a chemical environment. (See, e.g., *Biomedical and Behavioral Research, 1975: Joint Hearings Before the Subcomm. on Health of the S. Comm. on Labor and Public*
21 *Welfare and the Subcomm. on Admin. Practice and Procedure of the S. Comm. on the Judiciary,*
22 *First Session of Human-Use Experimentation Programs of the Department of Defense and*
23 *Central Intelligence Agency, 94th Cong. (1975) at 621; Office of the Surgeon General, U.S.*
24 *Army, Medical Aspects of Harsh Environments, Vol. I (2001) at 12).*

25 113. The CIA, which referred to Edgewood as EARL (Edgewood Arsenal Research
26 Labs), Department of Defense, and Special Operations Division of the U.S. Army were actively
27 involved in human experimentation, which used soldiers as test subjects. The CIA’s involvement
28

1 violated its Charter, which restricts or forbids domestic CIA activities. *See* 50 U.S.C. § 403-
2 3(d)(1).

3 **2. The CIA and Other DEFENDANTS Hatch Project MKULTRA**

4 114. The U.S. Supreme Court's decision in *Feres* emboldened DEFENDANTS
5 dramatically to expand the use of military personnel as test subjects, confident that they would be
6 insulated from liability. In April 1953, Richard Helms, the CIA's Acting Deputy Director of
7 Plans, proposed that the CIA institute a program for the "covert use of biological and chemical
8 materials" on an ultra-sensitive basis, meaning that knowledge of its existence would be limited
9 to senior CIA officers and that its activities and budget would be exempt from normal budget,
10 accounting, and legislative oversight requirements. (Memorandum from Richard Helms, Acting
11 Deputy Dir. of Plans, to Allen Dulles, Dir. of Cent. Intelligence (Apr. 3, 1953) (copy attached at
12 Tab A to a 1963 Report of Inspection of MKULTRA by CIA Inspector General J.S. Earman (the
13 "1963 CIA IG Report," a true copy of which is attached as Exhibit B hereto)); *see* Exh. B at
14 B-029-B-042.) (Helms was later convicted of lying to Congress regarding the CIA's role in the
15 attempted overthrow of President Salvador Allende in Chile.)

16 115. On or around April 13, 1953, CIA Director Allen Dulles approved Helms's
17 proposal and a covert CIA mind-control and chemical interrogation research program known as
18 "MKULTRA" was created. (Memorandum from Allen Dulles, Dir. of Cent. Intelligence, to
19 Deputy Dir. of Admin. (Apr. 13, 1953); *see* Exh. B at B-038-B-039; *see also* Exh. B at B-040.)
20 "Through the course of MKULTRA, CIA sponsored numerous experiments on unwitting
21 humans." (The Advisory Committee on Human Radiation Experiments (ACHRE), Interim
22 Report of ACHRE (Oct. 21, 1994) at App. E.) MKULTRA testing was conducted at Edgewood
23 Arsenal together with other sites such as Fort McClellan, Alabama, Fort Benning, Georgia, and
24 Fort Bragg, North Carolina. The CIA also contracted with Fort Detrick, which conducted a series
25 of experiments using human subjects, one of which was known as "Project White Coat."

26 116. The MKULTRA projects were under the control of the Chemical Division, within
27 the Technical Services Division of the CIA. Beginning in 1951, Dr. Sidney Gottlieb became the
28 director of the Chemical Division. During testimony he gave to Congress in 1977, Dr. Gottlieb

1 claimed that the creation of MKULTRA was inspired by reports of mind-control work in the
 2 Soviet Union and China. He stated that the mission was “to investigate whether and how it was
 3 possible to modify an individual’s behavior by covert means.” (*Human Drug Testing by the CIA,*
 4 *1977: Hearings on S. 1893 Before the Subcomm. on Health and Scientific Research of the S.*
 5 *Comm. on Human Resources, 95th Cong. (1977) at 169.)*

6 117. A secret arrangement devoted a percentage of the CIA budget to MKULTRA. For
 7 instance, in 1953, the MKULTRA Director, Dr. Sidney Gottlieb, was granted six percent of the
 8 Technical Services Section’s research and development budget without any meaningful oversight
 9 or accounting. (Exh. B at B-030, B-034.) MKULTRA, the “funding vehicle,” soon established
 10 over 149 subprojects that involved experiments using drugs on human behavior, lie detectors,
 11 hypnosis, and electric shock. The CIA also enlisted the cooperation of over 44 colleges and
 12 universities, 15 research foundations, 12 clinics or hospitals, and 3 prisons. The CIA established
 13 front organizations to channel funds to institutions conducting or assisting in the experiments
 14 using benign, descriptive names such as the “Society for the Investigation of Human Ecology.”

15 118. The calculating mindset behind MKULTRA was revealed in a national security
 16 assessment prepared for President Eisenhower in 1954 entitled “Report on the Covert Activities
 17 of the Central Intelligence Agency,” which urged:

18 If the United States is to survive, long-standing American concepts
 19 of “fair play” must be reconsidered. We must . . . learn to subvert,
 20 sabotage, and destroy our enemies by more clever, more
 21 sophisticated, and more effective methods than those used against
 us. It may become necessary that the American people will be
 acquainted with, understand and support this fundamentally
 repugnant philosophy.

22 (James H. Doolittle, et al., Report on the Covert Activities of the Central Intelligence Agency
 23 (Sept. 30, 1954) at 2-3.)

24 119. On February 26, 1953 — during the same year that MKULTRA began — the CIA
 25 and DOD prepared and issued a directive that purported to bring the U.S. government in
 26 compliance with the 1947 Nuremberg Code on medical research (the “1953 Wilson Directive”).
 27 The 1953 Wilson Directive, a true copy of which is attached as Exhibit C hereto, initially was
 28 classified as “top secret” and provided in relevant part that:

1 a. “The voluntary consent of the human subject is absolutely essential,” and
2 that “the person involved should have legal capacity to give consent; should be so situated as to
3 be able to exercise free power of choice, without the intervention of any element of force, fraud,
4 deceit, duress, over-reaching, or other ulterior forms of constraint or coercion; and should have
5 sufficient knowledge and comprehension of the elements of the subject matter involved as to
6 enable him to make an understanding and enlightened decision,” [which requires that he know]
7 “the nature, duration, and purpose of the experiment; the method and means by which it is to be
8 conducted; all inconvenience and hazards reasonably to be expected; and the effects upon his
9 health or person which may possibly come from his participation in the experiment” (Exh. C at
10 C-001-C-002);

11 b. “The number of volunteers used shall be kept to a minimum . . .” (Exh. C
12 at C-002);

13 c. “The experiment should be so designed and based on the results of animal
14 experimentation and a knowledge of the natural history of the disease or other problem under
15 study . . .” (Exh. C at C-002);

16 d. “The experiment should be so conducted as to avoid all unnecessary
17 physical and mental suffering and injury” (Exh. C at C-002);

18 e. “The experiment should be conducted only by scientifically qualified
19 persons. The highest degree of skill and care should be required through all stages of the
20 experiment . . .” (Exh. C at C-003);

21 f. “During the course of the experiment the human subject should be at
22 liberty to bring the experiment to an end if he has reached the physical or mental state where
23 continuation of the experiment seems to him to be impossible,” and “the scientist in charge must
24 be prepared to terminate the experiment at any stage . . .” (Exh. C at C-003); and

25 g. “In each instance in which an experiment is proposed . . ., the nature and
26 purpose of the proposed experiment and the name of the person who will be in charge of such
27 experiment shall be submitted for approval to the Secretary of the military department in which
28

1 the proposed experiment is to be conducted,” and no experiment “shall be undertaken until such
2 Secretary has approved in writing the experiment proposed . . .” (Exh. C at C-003).

3 120. The classification of the 1953 Wilson Directive as “Top Secret” and later “Secret”
4 rendered it unknown to Plaintiffs, other “volunteers,” and the vast majority of the managers of the
5 human experimentation program. In fact, the existence of the 1953 Wilson Directive was kept
6 secret from researchers, subjects and policymakers for over two decades, and the implementing
7 instructions to the field for the 1953 Wilson Directive were delayed, and monitoring and
8 enforcement of the directive were almost non-existent.

9 121. Following a series of revelations concerning MKULTRA and other unethical CIA
10 practices, President Gerald Ford issued Executive Order 11905 on Foreign Intelligence Activities
11 in February 1976, which prohibited “experimentation with drugs on human subjects, except with
12 the informed consent, in writing and witnessed by a disinterested third party.” (Exec. Order
13 11905 §5(d).)

14 122. On or about April 19, 1979, the National Commission for the Protection of Human
15 Subjects of Biomedical and Behavioral Research, Department of Health, Education and Welfare
16 published a report pursuant to the National Research Act, which set forth basic ethical principles
17 and guidelines for the protection of human subjects in biomedical and behavioral research (the
18 “Belmont Report”).

19 123. On or about December 4, 1981, President Reagan issued Executive Order 12333,
20 which governed the conduct of U.S. intelligence activities. Section 2.10 of which, entitled
21 “Human Experimentation,” provided:

22 No agency within the Intelligence Community shall sponsor,
23 contract for or conduct research on human subjects except in
24 accordance with guidelines issued by the Department of Health and
Human Services. The subject’s informed consent shall be
documented as required by those guidelines.

25 124. On or about January 7, 1983, DEFENDANT DOD issued Directive No. 3216.2
26 regarding the Protection of Human Subjects in DOD-Supported Research, which extended basic
27 procedures of the 1953 Wilson Directive and applied to all DOD-supported research,
28 development, tests, evaluations, and clinical investigations by DOD and DOD contractors.

1 125. On June 30, 1953, the Department of the Army Office of the Chief of Staff issued
2 a CONFIDENTIAL Memorandum, numbered Item 3247, concerning Use of Volunteers in
3 Research. This Memorandum echoed the Wilson Directive and set forth opinions of the Judge
4 Advocate General that furnished “specific guidance for all participants in research in atomic,
5 biological and/or chemical warfare defense using volunteers.” Among other things, the
6 guidelines established in this Memorandum provided that:

7 a. Agents used in research must have several “limiting characteristics,”
8 including “[n]o serious chronicity anticipated,” “[e]ffective therapy available,” and an
9 “[a]dequate background of animal experimentation.”

10 b. “As added protection for the volunteers, the following safeguards *will be*
11 *provided*: Medical treatment and hospitalization *will be provided* for all casualties of the
12 experiments as required.” (Emphasis added.)

13 126. On or about March 26, 1962, the Department of the Army issued Army
14 Regulation 70-25, concerning the Use of Volunteers as Subjects in Research (“AR 70-25”).
15 AR 70-25 prescribed policies “governing the use of volunteers as subjects in Department of Army
16 research, including research in nuclear, biological and chemical warfare, wherein human beings
17 are deliberately exposed to unusual or potentially hazardous conditions.” AR 70-25 set forth
18 certain “basic principles” that “must be observed to satisfy moral, ethical, and legal concepts.”
19 The first basic principle listed is that “Voluntary consent i[s] absolutely essential.” In furtherance
20 of that basic principle, AR 70-25 instructs (among other things) that:

21 a. the volunteer “must have sufficient understanding of the implications of his
22 participation to enable him to make an informed decision, so far as such knowledge does not
23 compromise the experiment”; and

24 b. the volunteer “will be fully informed of the effects upon his health or
25 person which may possibly come from his participation in the experiment.”

26 127. Another basic principle set forth by AR 70-25 is that volunteers “will have no
27 physical or mental diseases which will make the proposed experiment more hazardous for them
28 than for normal healthy persons.”

1 128. AR 70-25 also mandates that “[a]s added protection for volunteers, the following
2 safeguards *will be provided*: . . . Required medical treatment and hospitalization *will be provided*
3 for all casualties.” (Emphasis added.)

4 129. In June 1991, the same basic principles contained in the 1953 Wilson
5 Memorandum were propounded in regulations issued by DEFENDANT DOD. *See* 32 C.F.R.
6 Part 219. This set of regulations is generally referred to as the “Common Rule,” a denomination
7 that is also used in this Complaint.

8 130. DEFENDANT DOD issued a series of directives adopting or certifying the
9 Common Rule in Directives 3216.02 (“Protection of Human Subjects and Adherence to Ethical
10 Standards in DOD-Supported Research,” March 25, 2002) and 6200.2 (“Use of Investigational
11 New Drugs for Force Health Protection,” August 1, 2000). The directives, regulations (including,
12 but not limited to, AR 70-25) and other governmental actions regarding the Common Rule, the
13 Belmont Report and the 1953 Wilson Memorandum are sometimes referred to collectively as the
14 “Official Directives.” Throughout the period of time encompassed by this Complaint, the basic
15 ethical principles memorialized in the Official Directives did not change. However, what did
16 markedly change is the willingness of government officials to ignore or depart from ethical norms
17 or circumvent procedures or mechanisms to patrol or monitor compliance with such norms.

18 131. The rationale for DEFENDANTS’ policy of secrecy regarding its human
19 experimentation program was summarized by Atomic Energy Commission’s Colonel O. G.
20 Haywood: “It is desired that no document be released which refers to experiments with humans
21 and might have adverse effect upon on public opinion or result in legal suits. Documents
22 covering such work field should be classified ‘secret.’” (Memorandum from Col. O.G. Haywood,
23 Jr., U.S. Army Corps of Eng’rs, U.S. Atomic Energy Comm’n, to U.S. Atomic Energy Comm’n
24 (Apr. 17, 1947).)

25 132. The links between the Army’s Edgewood Arsenal and the CIA were close. Many
26 scientists who worked at Edgewood, such as Dr. Ray Treichler, or under Edgewood contracts
27 were on the CIA’s payroll. Importantly, the CIA funded Edgewood research for over 20 years.
28 The CIA financed, directed, and used the information derived from the tests at Edgewood for

1 their own purposes. At least three CIA officers were members of DOD's Committee on Medical
2 Sciences ("CMS") from 1948 until 1953. Reputedly, many of the Army officers running the
3 Edgewood experiments were actually CIA agents. DEFENDANTS did not comply with the
4 protocols established in the 1953 Wilson Directive or the Official Directives in their conduct of
5 the human experimentation program. Rather, DEFENDANTS continued to flagrantly, repeatedly
6 and deliberately flout the safeguards in the Official Directives and international law, depending
7 on secrecy to operate with impunity.

8 133. The 1963 CIA IG Report by J.S. Earman (*see supra* ¶ 114) listed the following
9 activities as having been "appropriate [for] investigation" under the MKULTRA charter:
10 radiation, electro-shock, various fields of psychology, psychiatry, sociology, anthropology,
11 graphology, harassment substances, and paramilitary devices and materials. (Exh. B at B-006.)
12 Ongoing activities as of 1963 included "projects in offensive/defensive [categories] BW, CW
13 [biological and chemical weapons] and radiation," "petroleum sabotage," "defoliants," and
14 "devices for remote measurement of physiological processes." (Exh. B at B-024.) The 1963 CIA
15 IG Report noted that "original charter documents specified that TSD [Technical Services
16 Division] maintain exacting control of MKULTRA activities," but that "redefinition of the scope
17 of MKULTRA is now appropriate." (Exh. B at B-006.)

18 134. Major program elements of MKULTRA and its progeny have never been publicly
19 revealed. For example, key parts of the 1963 CIA IG Report were redacted, including all
20 information concerning one of the two major MKULTRA programs. (Exh. B at B-003, B-005,
21 B-030, and B-033.)

22 135. The 1963 CIA IG Report found that DEFENDANTS had pursued a policy of
23 "minimum documentation," which "precluded use of routine inspection procedures." (Exh. B at
24 B-007.) Only two individuals in TSD had "full substantive knowledge of the program, and most
25 of that knowledge is unrecorded." (Exh. B at B-008.)

26 136. The managers of MKULTRA concluded in 1955 that the "testing of materials
27 under accepted scientific procedures" would "fail[] to disclose the full pattern of reactions and
28 attributions that may occur in operational situations." Therefore, DEFENDANTS initiated a

1 “program for covert testing of materials on unwitting U.S. Citizens” in 1955. (Exh. B at B-008-
2 B-009.)

3 137. By the early 1960s MKULTRA had evolved into a “highly elaborated and
4 stabilized . . . structure” (Exh. B at B-009), which was divided into the following key parts:

5 a. Securing new materials through “standing arrangements with specialists in
6 universities, pharmaceutical houses, hospitals, state and federal institutions, and private research
7 organizations.” (Exh. B at B-009.) For example, using Dr. Charles F. Geschickter as a cover
8 under Subproject 35, the CIA secretly arranged for the financing and construction of a wing of the
9 Georgetown University Hospital in 1950 to provide a secure locale for clinical testing of
10 biological, radiological and chemical substances on human beings. (Advisory Committee on
11 Human Radiation Experiments (ACHRE), Interim Report of ACHRE (Oct. 21, 1994) at App. E.)
12 The so-called “Geschickter Fund for Medical Research” served as the “principal ‘cut-out source’
13 for CIA’s secret funding of numerous MKULTRA human experiment projects” (*id.* at FN 6), and
14 insured that the “Agency’s [CIA’s] sponsorship of sensitive research projects would be
15 completely deniable since no connection would exist between the University and Agency.”
16 (Memorandum from Chief, Deputy Dir., Plans, Technical Servs. Section, CIA, to Dir. of Cent.
17 Intelligence (Allen Dulles) (Nov. 15, 1954) at Tab A (Subproject 35 - Project MKULTRA, T.S.
18 101077A).) A “cut-out” is a straw man or cover mechanism designed to hide the true ownership
19 or financing of an operation, project or activity. This arrangement became necessary when
20 researchers complained that existing cover mechanisms exposed scientists and other researchers
21 to “unnecessary and highly undesirable personal risk[s]” as their connection to the projects
22 “might seriously jeopardize their professional reputations.” (*Id.*)

23 b. The CIA also financed studies by Dr. D. Ewen Cameron at the Department
24 of Psychiatry, McGill University, in the 1950s, which explored methods to erase memory and
25 rewrite the psyche, using patients being treated for conditions such as post-partum depression,
26 marital problems, and anxiety. Dr. Cameron used a combination of intense electro-shocks,
27 sensory deprivation, isolation, drugs such as LSD and insulin (to induce extended sleep).
28 Eventually, the subjects regressed to a vegetative, pre-verbal or infantile state. Once this

1 “depatterning” had occurred, Dr. Cameron forced patients to listen to repetitive pre-recorded
2 messages that contained principles intended to guide future behavior such as, “You are a good
3 mother,” which he referred to as “psychic driving.” Most of Dr. Cameron’s patients emerged
4 from his therapies with more serious symptoms and problems, including memory loss,
5 hallucinations, intense anxiety, and loss of touch with reality.

6 c. Grants of funds were made “under ostensible research foundation auspices
7 to the specialists located in the public or quasi-public institutions,” therefore “conceal[ing] from
8 the institution the interest of [the] CIA.” (Exh. B at B-009.) “The system in effect ‘buys a piece’
9 of the specialist in order to enlist his aid in pursuing the intelligence implications of his research,”
10 including “systematic search of the scientific literature, procurement of materials, their
11 propagation, and the application of test dosages to animals and under some circumstances to
12 volunteer human subjects.” (Exh. B at B-010.) This “funding of sensitive MKULTRA projects
13 by sterile grants in aid . . . [was] one of the principal controversial aspects of this program.”
14 (Exh. B at B-010.) In addition to the CIA, the Department of Health, Education and Welfare, and
15 the Law Enforcement Assistance Administration provided funding for experiments involving
16 behavior modification and mind control.

17 d. The intensive testing of substances on human subjects by “physicians,
18 toxicologists, and other specialists in mental, narcotics and general hospitals and in prisons, who
19 are provided the products and findings of the basic research projects Where health permits,
20 test subjects are voluntary participants in the program.” (Exh. B at B-011-B-012.) One series of
21 experiments on prisoners took place at the California Medical Facility at Vacaville, where
22 psychiatrists administered anectine, a strong muscle relaxant which deprives the victim of all
23 muscular control and arrests breathing, and induces strong sensations of suffocation and
24 drowning.

25 e. The “final phase of testing of MKULTRA materials involves their
26 application to unwitting subjects in normal life settings.” (Exh. B at B-012.) To accomplish this,
27 the CIA entered into an “informal arrangement” with individuals in the Bureau of Narcotics
28 (“FBN” - (“DEA”)) in 1955 with the understanding that the FBN would “disclaim all knowledge

1 and responsibility in the event of a compromise.” (Exh. B at B-013.) FBN operated safehouses
2 in both San Francisco and New York where they secretly administered experimental substances to
3 the patrons of prostitutes. (Exh. B at B-013-B-014; *see also Project MKULTRA, The CIA’s*
4 *Program of Research in Behavioral Modification*, 95th Cong. (1977) at 57 (J. Gittinger), 115 (R.
5 Lashbrook, M.D.), and 184 (S. Gottlieb, M.D.).) The FBN maintained “close working relations
6 with local police authorities which could be utilized to protect the activity in critical situations.”
7 (Exh. B at B-015.) The brothel experiments were code-named “Operation Midnight Climax.”

8 f. The final step in the “research and development sequence” was to
9 “deliver[] MKULTRA materials into the MKDELTA control system governing their employment
10 in clandestine operations.” (Exh. B at B-015.) “The final stage of covert testing of materials on
11 unwitting subjects is clearly the most sensitive aspect of MKULTRA.” (Exh. B at B-016.)
12 “Present practice is to maintain no records of the planning and approval of test programs.”
13 (Exh. B at B-016.)

14 138. Ironically, the operational returns of MKULTRA were scanty. The products were
15 rarely used in field operations, and had limited success where used. (Exh. B at B-018-B-019; *see*
16 *also Project MKULTRA, The CIA’s Program of Research in Behavioral Modification*, 95th Cong.
17 (1977) at 43.) “There is an extremely low rate of operational use of the controlled materials.”
18 (Exh. B at B-023.) One of the reasons for nonuse was that “some case officers have basic moral
19 objections to the concept of MKDELTA and therefore refuse to use the materials.” (Exh. B at
20 B-021-B-022.)

21 139. Under MKULTRA and its progeny, at least 1,000 “volunteers” were given up to
22 20 doses of LSD to test the drug as an interrogation weapon, even though the tests were known by
23 Edgewood scientists to result in serious physical and psychological problems. Dr. Van Sim, a
24 physician responsible for the human subjects used at Edgewood, previously worked at the British
25 Chemical Defense Establishment at Porton Down, where similar experiments had been conducted
26 on humans. After returning to the United States, Dr. Van Sim warned that the British
27 experiments had shown that “during acute LSD intoxication the subject is a potential danger to
28

1 himself and to others; in some instances a delayed and exceptionally severe response may take
2 place and be followed by serious after effects lasting several days.”

3 140. Despite this knowledge, test subjects at Edgewood and elsewhere were given LSD
4 and other drugs and then sometimes subjected to hostile questioning. Moreover, the test subjects
5 were not given any specific information about the nature of the drugs they were receiving, which
6 exacerbated the state of the victims’ anxiety while on mind-altering agents.

7 141. Some of the experiments at Edgewood and other sites were designed to replicate
8 some of those that were conducted by Nazi doctors in concentration camps. American
9 psychiatrist Paul Hoch’s experiments on mental patients in New York, where he was working on
10 Edgewood projects supervised by DEFENDANTS and as a CIA consultant, killed one patient
11 with a mescaline injection (Harold Blauer) and seriously injured another. As the federal judge
12 concluded in a case brought by Mr. Blauer’s daughter, “the real reason Blauer died was not
13 medical incompetence in the administration of a therapeutic or diagnostic drug, but the fact that
14 he was used as a human guinea pig.” *Barrett v. United States*, 660 F. Supp. 1291, 1308
15 (S.D.N.Y. 1987). MKULTRA’s experiments also resulted in the death of Frank Olson, an Army
16 scientist who mysteriously fell out of a hotel window after members of the CIA secretly slipped
17 LSD into his drink. A 1994 GAO publication also notes that during the course of the extensive
18 radiological, chemical, and biological research programs conducted or sponsored by
19 DEFENDANTS, some participants died. (Frank C. Conahan, Assistant Comptroller Gen., U.S.
20 Gen. Accounting Office, Human Experimentation: An Overview on Cold War Era Programs,
21 Testimony Before The Legis. and National Security Subcomm. of the H. Comm. on Government
22 Operations, GAO/T-NSIAD-94-266 (Sept. 28, 1994) at 1.)

23 142. Sporadic information regarding DEFENDANTS’ activities began to circulate and
24 the 1963 CIA IG Report recommended termination of unwitting testing. However, the CIA’s
25 Deputy Director for Research, Richard Helms, who later became the CIA Director, surreptitiously
26 continued the program under a new name in 1964: MKSEARCH. The MKSEARCH project
27 attempted, among other things, to produce a perfect truth serum for use in interrogating suspected
28 Soviet spies during the Cold War, and generally to explore any other possibilities of mind control.

1 143. DEFENDANTS adopted a policy to create only “sparse documentation” of the
2 projects, with a preference that results of experiments be “conveyed verbally.” Nor did
3 DEFENDANTS prepare adequate documentation of the medical records of test participants or
4 follow-up to determine long-term health effects. “Present [CIA] practice is to maintain no
5 records of the planning and approval of test programs.” (Exh. B at B-016.) Medical records
6 regarding the exposure of hundreds of “volunteers” that were maintained by the Medical
7 Research Laboratory mysteriously disappeared in the 1960s. And, shortly before he left office in
8 1973, CIA Director Richard Helms authorized the destruction of the CIA’s files regarding human
9 experimentation and Dr. Gottlieb’s drug files, the intent of which was to prevent discovery of the
10 embarrassing and indefensible details of their crimes. As a result, most of the records
11 documenting the human experimentation program are not available.

12 144. The Court should draw adverse inferences from DEFENDANTS’ document
13 destruction, redactions, spoliations, and other wrongful acts described herein.

14 145. DEFENDANTS also developed a protocol to classify any documents that referred
15 to the human experimentation program based upon concerns that they might have “an adverse
16 effect on public opinion or result in legal suits.” (See 1947 Haywood memo, *supra* ¶ 131.)

17 DEFENDANTS also ordered that:

18 Precautions must be taken not only to protect operations from
19 exposure to enemy forces but also to conceal these activities from
20 the American public in general. The knowledge that the Agency
21 [CIA] is engaging in unethical and illicit activities would have
22 serious repercussions in political and diplomatic circles and would
23 be detrimental to the accomplishment of its mission.

24 (CIA Inspector General’s Survey of Technical Servs. Div., 1957, as cited in S. Rep. No. 94-755
25 (“Church Committee Report”), Book 1, §XVII (1976) at 394; see *Project MKULTRA, The CIA’s*
26 *Program of Research in Behavioral Modifications*, 95th Cong. (1977) at 74.) A July 26, 1963
27 Memorandum to the CIA Director also concluded that “[t]he concepts involved in manipulating
28 human behavior are found by many people both within and outside the Agency [CIA] to be
distasteful and unethical.” (Memorandum from J.S. Earman, Inspector General, CIA, to Dir. of
Cent. Intelligence (July 26, 1963) (attaching the 1963 CIA IG Report); see Exh. B at B-002.)

1 146. Documents from the CIA’s “Family Jewels” declassified file establish that drugs
2 that had been rejected by private manufacturers were tested on soldiers at Edgewood.
3 Specifically, as explained in the CIA’s own documents: “the reported [behavioral] drug was part
4 of a larger program in which the Agency had relations with commercial drug manufacturers,
5 whereby they passed on drugs rejected because of unfavorable side effects. The drugs were
6 screened with the use of ADP equipment, and those selected for experimentation were tested at
7 [redacted] using monkeys and mice. Materials of having [sic] further interest, as demonstrated by
8 this testing, were then tested at Edgewood, using volunteer members of the Armed Forces.”
9 (Memorandum from WV B to Executive Sec’y, CIA Mgmt. Comm. (undated), “CIA Family
10 Jewels” at 00413.)

11 147. In the decades following the 1953 Wilson Directive, DEFENDANTS’ human
12 experimentation program continued and rapidly expanded under a shifting series of secret code
13 names, changes that usually were adopted to facilitate statements by DEFENDANTS denying that
14 recent or earlier programs such as MKULTRA were ongoing, including the following:

15 a. DEFENDANTS changed the program name from MKULTRA to
16 MKSEARCH after release of the CIA IG’s 1963 Report, which was highly critical of
17 MKULTRA;

18 b. the OFTEN and CHICKWIT projects, jointly conducted by the Army and
19 CIA at the Edgewood Arsenal, but also funded by the CIA, which involved the collection of
20 information about foreign pharmaceuticals and experiments with human subjects;

21 c. the BLUEBIRD and ARTICHOKE projects, where DEFENDANTS
22 researched hypnosis, drugs such as sodium pentothal, the stimulant Desoxyn (methamphetamine),
23 and bulbocapnine (an alkaloid), which facilitate recovery of information under hypnosis, and
24 other substances that might aid in the interrogation of prisoners of war and defectors;

25 d. the MKDELTA project, a mind control research and development program
26 devised by DEFENDANTS that concentrated upon the use of biochemicals in clandestine
27 operations;

28

1 e. the MKNAOMI project, a successor to MKDELTA, which focused on the
2 research, testing, manufacture and means of diffusion or distribution of lethal and non-lethal
3 biological agents and materials;

4 f. the CHATTER project, which focused on the development and use of truth
5 serum and other interrogation drugs such as anabasis, aphylla, scopolamine, and mescaline; and

6 g. a series of related or follow-on projects with code names including
7 "PANDORA," "SPELLBINDER," "MONARCH," "SLEEPING BEAUTY," as well as others.

8 Hereinafter, DEFENDANTS' group of experiments and programs involving human subjects,
9 including DEFENDANTS' human experimentation conducted at Edgewood or under the
10 direction of Edgewood personnel, shall collectively be referred to as the "Human Test Series."

11 148. The MKULTRA and MKSEARCH project sponsors operated "safe houses" in
12 New York City and San Francisco, where drugs were surreptitiously administered to human
13 subjects lured to the site by prostitutes, and the effects were witnessed and/or recorded on film as
14 part of Subprojects 3, 16, 42, 132, and 149. Ray Treichler was a CIA Monitor for this operation.
15 On information and belief, DEFENDANTS "were engaged in the involuntary drugging of
16 unwitting suspects in San Francisco" in settings outside of these "safe houses" as well. *See, e.g.,*
17 *Ritchie v. United States*, No. C 00-03940 MHP, 2004 WL 1161171, at *1-2 (N.D. Cal. May 24,
18 2004). DEFENDANTS also operated in Mill Valley, California, as part of Subproject 42.
19 Experiments also were conducted on aged veterans in VA domiciliaries. DEFENDANTS often
20 used surrogates in the private sector to perform many of these experiments.

21 149. DEFENDANTS formally launched Sub-Project 119 in 1960, the purpose of which
22 was to research, study, and interpret "bioelectric signals from the human organism, and activation
23 of human behavior by remote means." (Memorandum for the Record re MKLUTRA Subproject
24 119 from Technical Servs. Div., Research Branch, CIA (Aug. 17, 1960).) This Sub-Project
25 involved the installation of "permanent septal electrodes . . . to determine the locus in which
26 stimulations will produce specific reactions," first in animals and later in humans. (Proposal
27 Materials re MKULTRA Subproject 106, CIA (Jan. 1961) at 106-1.) The Army's own report of
28 the health effects of LSD experiments concluded in 1980 that: "Early experimental studies by

1 Monroe and Heath and associates using electrodes implanted deeply in the brains of human
 2 subjects demonstrated the occurrence of spiking (epileptiform) activity in portions of the limbic
 3 system (hippocampus, amygdala [sic] and septal area) in response to LSD administration.”
 4 (U.S. Army Med. Dep’t, LSD Follow-Up Study Report (Oct. 1980) at 34-35.) DEFENDANTS’
 5 research program continued under various other code names, including Subproject 106 (in 1962),
 6 and others, and DEFENDANTS used an unidentified “cut-out and cover” to run the program and
 7 to camouflage their role. DEFENDANTS classified this work as “Agency Top Secret,” and
 8 DEFENDANTS have either destroyed or classified the results of the Sub-Project 119 and 106
 9 studies, as well as their progeny.

10 150. Dr. Jose Delgado began to research the use of pain and pleasure for mind control
 11 during WWII. Later, as Director of Neuropsychiatry at Yale University Medical School, he
 12 refined the design of his “transdermal stimulator,” a computer controlled, remote neurologic
 13 transceiver and aversion stimulator. Dr. Delgado was especially interested in Electronic
 14 Stimulation of the Brain. Dr. Delgado discovered that he could wield enormous power over his
 15 subject by implanting a small probe into the brain. Using a device he called the “stimoceiver,”
 16 which operated by FM radio waves, he was able to electrically orchestrate a wide range of human
 17 emotions, including rage, pleasant sensations, elation, deep thoughtful concentration, odd
 18 feelings, super relaxation (an essential precursor for deep hypnosis), colored visions or
 19 hallucinations, lust, fatigue and various other responses. Dr. Delgado researched and perfected
 20 many of his devices under the auspices of MKULTRA Sub-Project 95, in which he was joined by
 21 Dr. Louis Jolyon West, who had mastered a technology called “RHIC-EDOM.” RHIC means
 22 “Radio Hypnotic Intracerebral Control,” and EDOM means “Electronic Dissolution of Memory.”
 23 These implants could be stimulated to induce a post-hypnotic state. EDOM involves the creation
 24 of “Missing Time” or the loss of memory.

25 151. Dr. Delgado ominously wrote: “*The individual may think that the most important*
 26 *reality is his own existence, but this is only his personal point of view. . . . This self-*
 27 *importance . . . lacks historical perspective. [The notion that man has] **the right to develop his***
 28 ***own mind** . . . [is a] kind of liberal orientation [that] has great appeal, but . . . its assumptions*

1 are not supported . . . by . . . studies.” (Jose M.R. Delgado, M.D., *Physical Control of the Mind,*
2 *Toward a Psychocivilized Society* (1969) at 236, 239 (emphasis added).)

3 152. Additional studies, conducted by Dr. Ewen Cameron and funded by the CIA, were
4 directed towards erasing memory and imposing new personalities on unwilling patients.
5 Cameron discovered that electroshock treatment caused amnesia. He set about a program that he
6 called “de-patterning,” which had the effect of erasing the memory of selected patients. Further
7 work revealed that subjects could be transformed into a virtual blank machine (Tabula Rasa) and
8 then be re-programmed with a technique which he termed “psychic driving.”

9 153. From 1965 through to 1970, Defense Advanced Projects Research Agency
10 (DARPA), with up to 70-80% funding provided by the military, set in motion operation
11 PANDORA to study the health and psychological effects of low intensity microwaves with regard
12 to the so-called “Moscow signal.” This project appears to have been quite extensive and included
13 (under U.S. Navy funding) studies demonstrating how to induce heart seizures, create leaks in the
14 blood/brain barrier and production of auditory hallucinations. Despite attempts to render the
15 Pandora program invisible to scrutiny, FOIA filings revealed memoranda of Richard Cesaro,
16 Director of DARPA, which confirmed that the program’s initial goal was to discover whether a
17 carefully controlled microwave signal could control the mind. Cesaro urged that these studies be
18 made for potential weapons applications.

19 154. The CIA financed further studies and subprojects under Project MKULTRA that
20 took place at Stanford University in Palo Alto, California, between 1953 and at least 1962. These
21 studies included:

- 22 •• Subproject 2 (1953-1958): to study the “synergistic action of drugs which may be
23 appropriate for use in abolishing consciousness through animal experimentation”
24 (referred to as the “knockout” problem) and a “survey of methods to enable the
25 administration of drugs to patients without their knowledge.” Animal testing was
26 indicated in Subproject 2 proposals “as a precondition to human testing.”
- 27 •• Subproject 56 (1956-1960): to study the “effectiveness of sympathomimetic drugs
28 in delaying” alcohol absorption.

- 1 •• Subproject 70 (1957-1961): to develop a “temporary incapacitating drug” and
- 2 “define mechanisms involved in producing involuntary sleep and related
- 3 unconscious states” (referred to as the “K problem”). Ray Treichler served as a
- 4 CIA Monitor for Subproject 70.
- 5 •• Subproject 71 (1957-1961): to conduct “clinical testing and evaluation of anti-
- 6 interrogation drugs” and develop a “miniaturized polygraph.”
- 7 •• Subproject 72 (1956-57): to study “neurophysiologic and pharmacological effects
- 8 of central nervous system antagonists and synergists.”
- 9 •• Subproject 85 (1958-1959): to establish and substantiate the “true identity” of
- 10 individuals through blood groupings.
- 11 •• Subproject 86 (1958-1959): to design and build miniature polygraph machines for
- 12 potential use on unwitting subjects.
- 13 •• Subproject 91 (1959-1962): to perform “pre-clinical pharmacological studies
- 14 required to develop new psychochemicals and to test the promising drugs” on
- 15 animals. Ray Treichler was a CIA Monitor for Subproject 91.

16 The CIA spent more than half a million dollars funding these projects. On information and belief,
 17 additional MKULTRA projects funded by the CIA took place at St. Francis Memorial Hospital in
 18 San Francisco (Subprojects 124 and 140) and at Menlo Park Veterans Hospital.

19 155. Notwithstanding the international standards identified above, DEFENDANTS’
 20 experiments on human subjects were conducted shrouded in secrecy, and have been characterized
 21 by stealth, evasion, treachery, and deceit. Most of the subjects have been collected under
 22 programs that operate under the umbrella of “non-lethal” or “less than lethal” weapons, and
 23 include a wide assortment of different technologies based upon electro-magnetic radiation,
 24 microwaves, lasers, infrasound, acoustic and polysound generators, and others.

25 3. Secrecy Oaths

26 156. “Volunteers” in the Edgewood and other experiments were in most instances
 27 required to sign a statement agreeing that they would:
 28

1 not divulge or make available any information related to U.S. Army
2 Intelligence Center interest or participation in the [volunteer
3 program] to any individual, nation, organization, business,
4 association, or other group or entity, not officially authorized to
receive such information. I understand that any action contrary to
the promises of this statement will render me liable to punishment
under the provisions of the Uniform Code of Military Justice.

5 The “volunteers,” including many or all of the Individual Plaintiffs, were also generally forced to
6 sign forms consenting to the videotaping of the experiments.

7 157. In fact, DEFENDANTS’ form misled the “volunteers” by implying that the
8 Uniform Code of Military Justice applied to them after their discharge from service.

9 158. The existence of their secrecy oaths not only interfered with participants’ ability to
10 obtain health care and other necessary services, but to seek redress or assert claims. For example,
11 during telephone counseling hours over the years, Swords has provided initial counseling services
12 to multiple Vietnam-era veterans who were unwilling to share information relevant to possible
13 VA claims because of perceived secrecy obligations. In many cases, these secrecy obligations
14 hindered Swords’ efforts to provide — and in some cases prevented Swords from being able to
15 provide — comprehensive legal services to these veterans.

16 159. In 2003, the VA concluded that “most of the volunteer subjects of these
17 experiments conducted by the U.S. Military were told at the time that they should never reveal the
18 nature of the experiments, and apparently, almost to a man, they kept this secret for the next 40 or
19 more years.”

20 160. In approximately September 2006, some, but not all, Edgewood recipients,
21 received form letters from the VA advising them that notwithstanding their secrecy oaths, the
22 DOD had authorized them to discuss exposure information with their health care providers, but
23 warning them not to “discuss anything that relates to operational information that might reveal
24 chemical or biological warfare vulnerabilities or capabilities.” In addition, the DOD has
25 maintained a web site that contains incomplete and misleading information concerning the human
26 experimentation program.

27
28

1 **4. Purported “Consent” by Human Test Subjects**

2 161. Many “volunteers” used as test subjects at Edgewood and elsewhere were duped
3 into volunteering to test chemical warfare clothing and gas masks and instead were secretly given
4 nerve gas, psychochemicals, incapacitating agents, and hundreds of other dangerous drugs. The
5 “volunteers” were given no information about the chemicals used on them in the experiments, no
6 warning as to the potential health risks, and no or inadequate follow-up health care to determine
7 the effects (and resulting injuries) caused by the tests — despite the government’s knowledge and
8 conclusion that informed, voluntary consent was necessary.

9 162. Indeed, informed consent was precluded by DEFENDANTS’ own plan, which
10 noted that “[c]are should be exercised not to mention to the prospect the exact properties of the
11 material that lends itself to intelligence application.” Moreover, DEFENDANTS withheld
12 information from the “volunteers” concerning health problems that they had discovered from
13 examinations and tests at Edgewood, and Edgewood medical records for participants were
14 separated from the participants’ service medical files, and kept under lock and key.

15 163. The Medical Volunteer Handbook of the U.S. Army purportedly given to test
16 participants in the late 1950s and 1960s falsely represented that the tests involved “non-hazardous
17 exposure to compounds as well as the evaluation of methods, procedures and equipment utilized
18 by the soldier in the field.” (U.S. Army Chemical Warfare Labs., U.S. Army Chemical Center,
19 MD, The Medical Research Volunteer Program (U), CWL Special Pub. 2-13 (June 1958) at 1.)
20 DEFENDANTS’ policy toward uncooperative “volunteers” was reflected in a publication
21 distributed to the “volunteers” entitled “What is Expected of a Volunteer,” the 1972 edition of
22 which stated:

23 It is essential that you show up on time for admission to the wards
24 and for testing As for the testing, this of course is what you
25 are here for Failure to show up on time for admission or the
26 test will usually result in your being returned to your permanent
27 duty station.

28 164. The Army’s Inspector General concluded that although there was evidence that
some form of the informed consent policy was eventually made known to commanders and
investigators working with human subjects, often in practice “consent was relegated to a simple,

1 all-purpose statement to be signed by the volunteer.” (1976 Army IG Report at 78.) Further,
2 even in instances where a more detailed form was used, “the intent of the informed consent policy
3 did not appear to have been fulfilled, since the revised form did not require disclosure of the
4 chemical agent to be used or the full effects of the drug, nor did the publication appended to the
5 volunteer agreement form contain that information.” (*Id.* at 80.)

6 165. The Inspector General noted that although, with few exceptions, human subjects
7 who were used for chemical testing had technically “volunteered,” the issue was “not whether the
8 subjects volunteered, but whether they were provided sufficient information to permit an
9 enlightened decision.” (*Id.* at 82.) On this point, the Inspector General’s report concluded:
10 “volunteers were not fully informed, as required, prior to their participation; and the methods for
11 procuring their services, in many cases, appeared not to have been in accord with the intent of the
12 Department of the Army policies governing the use of volunteers in research.” (*Id.* at 87.)
13 Indeed, “in spite of the clear guidelines concerning the necessity for ‘informed consent,’ there
14 was a willingness to dilute and in some cases negate the intent of the policy.” (*Id.* at 40.) The
15 consents signed by “volunteers” included the words “I certify that . . . I [am] completely aware
16 of all hazards.” Yet, DEFENDANTS have admitted that even they were not aware of such
17 hazards.

18 166. Further, the Army Inspector General’s findings regarding consent at Edgewood
19 were even more troubling. The report noted that “in most cases the [participation] agreement was
20 signed prior to arrival at Edgewood Arsenal, or on the first day after arrival. In either case, it was
21 usually signed before the subject was selected for a specific agent test. Therefore, it was not
22 likely that meaningful information regarding all hazards to his health were provided the volunteer
23 prior to his signing the participation agreement.” (*Id.* at 84.) Indeed, one of the purposes of the
24 experimentation was to learn about health effects on humans, in areas which were previously
25 unknown.

26 167. Indeed, in designing their LSD studies in 1956, the Army attempted to avoid the
27 impact of “suggestion” or “placebo” effect on the observed effects by insuring that at least one
28

1 control group administered LSD-25 be neither given a training lecture nor provided any
2 information on the drug being administered.

3 168. Another problem with the purported “consent” by volunteers was that
4 “inducements were offered to persuade the soldier[s] to volunteer.” (*Id.* at 85.) The Inspector
5 General identified examples of such inducements, including: a promise of a 3-day pass each
6 weekend; better living and recreational accommodations than normally available; a guaranteed
7 letter of commendation that would be placed in the volunteer’s official personnel file; and a sense
8 of patriotic contribution to the nation’s national security. (*Id.* at 85.) The report noted that such
9 inducements “represented substantial rewards” in the 1950s and 1960s. (*Id.* at 85.) These
10 inducements were used to influence the prospective subject’s decision by offering special
11 privileges or rewards and thus, were contrary to the guidelines, which stated that informed
12 consent should be given without influence over the volunteer’s free choice. The “volunteers”
13 were drawn from troops located at Army bases throughout the country. Plaintiffs believe, and
14 expect that discovery will confirm, that these inducements were offered to — and material
15 misstatements of fact concerning DEFENDANTS’ human experimentation program were made
16 to — troops located within this District and that DEFENDANTS drew “volunteers” from this
17 District for their human experimentation programs. For instance, discovery to-date has revealed
18 that in 2006 the VA sent 135 notification letters to California veterans of DEFENDANTS’ human
19 experimentation programs.

20 169. A 1993 GAO Report acknowledged that “[m]ilitary procedures have long required
21 that the volunteers be fully informed of the nature of the studies in which they participate and the
22 foreseeable risks. However, prior to 1975, these procedures were not always followed.” (U.S.
23 Gen. Accounting Office, *Veterans Disability: Information from the Military May help VA Assess*
24 *Claims Related to Secret Tests*, GAO/NSIAD-93-89 (Feb, 1993) at 2; *see also* Frank C. Conahan,
25 Assistant Comptroller Gen., U.S. Gen. Accounting Office, *Human Experimentation: An*
26 *Overview on Cold War Era Programs*, Testimony Before The Legis. and National Security
27 Subcomm. of the H. Comm. on Government Operations, GAO/T-NSIAD-94-266 (Sept. 28, 1994)
28 at 2, 10.)

1 170. In 2003, the VA admitted that “[i]t would be naive to assume that there will be no
2 lapses in compliance with human subjects protections in future studies involving human
3 subjects.”

4 171. DEFENDANTS have admitted that a number of their research projects were
5 conducted “without knowledge of the host system or on unwitting subjects.” (Memorandum for
6 the Record from William V. Broe, Inspector General, CIA, to Dir. of Cent. Intelligence (May 23,
7 1973), “CIA Family Jewels” at 00402.)

8 172. The consents purportedly signed by “volunteer” soldiers were ineffective for
9 multiple reasons including fraud in the inducement, lack of disclosure of the substances involved
10 in the experiments, lack of specificity, duress and others. These purported “volunteer” test
11 subjects were not told which drugs and the drug doses that they were given, what side effects to
12 expect, and were never fully informed of the extreme physical and psychological effects these
13 drugs would have on them.

14 173. DEFENDANTS have failed and refused to supply all available information to the
15 VA concerning the exposures of “volunteers” who have filed or whose survivors have filed
16 claims for service-connected death or disability compensation, or advised the VA that relevant
17 records of participation had been destroyed, thereby thwarting or compromising the success of
18 many claims.

19 **III. CLASS ACTION ALLEGATIONS**

20 **A. Class Definition**

21 174. The proposed Plaintiff class for purposes of all claims includes all veterans who
22 were involved in the Human Test Series (hereinafter the “Proposed Class Members”). The
23 proposed class does not include participants in Project 112/SHAD (“Shipboard and Hazard
24 Defense), a separate program directed by the U.S. Army Deseret Test Center. Project 112/SHAD
25 was conducted on ships and land to test the vulnerability of ships to chemical and biological
26 attacks, and, with respect to tests on land, to determine how biological and chemical weapons
27 would be affected by climate. Although members of the military were exposed to hazardous
28 biological and chemical substances during Project 112/SHAD, the principal purpose of the

1 program was not to test the effects of biological and chemical weapons upon human subjects, as
2 were the veterans involved in the Human Test Series.

3 175. The proposed class representatives are Plaintiffs VVA and Swords to Plowshares,
4 the Organizational Plaintiffs in this action.

5 176. Plaintiffs reserve the right to amend this Complaint to add additional class
6 representatives, either before or after a Motion to Certify the Class, subject to the provisions of
7 Rule 15 of the Federal Rules of Civil Procedure.

8 **B. Presence of Common Issues of Fact or Law**

9 177. The members of the Proposed Class are so numerous that joinder of all members is
10 impracticable.

11 178. There are material questions of law and fact common to the proposed class,
12 including but not limited to the following:

- 13 a. The constitutionality of DEFENDANTS' actions and activities recited
14 above;
- 15 b. DEFENDANTS' failures to notify and timely provide medical care to the
16 Proposed Class Members;
- 17 c. Whether DEFENDANTS have complied with the Official Directives
18 and/or international law;
- 19 d. Whether the consent forms signed by the Proposed Class Members
20 respecting the Human Test Series were effective or not;
- 21 e. Whether the Proposed Class Members are bound by secrecy oaths;
- 22 f. Whether DEFENDANTS are currently conducting human experiments
23 with human subjects in violation of the Official Directives and/or international law, and, to the
24 extent they are, whether injunctive relief should be awarded to Plaintiffs; and,
- 25 g. The applicability and effectiveness of certain defenses asserted by
26 DEFENDANTS to the claims raised in this action, including subject matter jurisdiction, standing,
27 sovereign immunity, statute of limitations, and others, and applicability of the doctrine of
28 equitable estoppel and any other arguments advanced by Plaintiffs.

1 184. A present controversy exists between Plaintiffs and DEFENDANTS concerning
2 the foregoing, and Plaintiffs contend and DEFENDANTS deny that:

3 a. DEFENDANTS have unconstitutionally infringed on Plaintiffs’ life,
4 property and liberty rights protected by the Due Process Clause of the Fifth Amendment to the
5 United States Constitution, which provides that “No person shall . . . be deprived of life, liberty or
6 property without due process of law,” and upon Plaintiffs’ right to privacy;

7 b. DEFENDANTS have failed to comply with the 1953 Wilson Directive and
8 the Official Directives;

9 c. The “consents,” if any, obtained from Plaintiffs and other test subjects were
10 invalid or not enforceable;

11 d. Plaintiffs are not bound by the secrecy oaths they took, and that such oaths
12 are invalid; and

13 e. DEFENDANTS must fully comply with their duty to locate and warn all
14 test participants.

15 185. A present controversy exists between Plaintiffs and DEFENDANTS in that
16 Plaintiffs contend and DEFENDANTS deny that DEFENDANTS violated Plaintiffs’ rights under
17 the First, Fourth, Fifth and Ninth Amendments by committing the wrongful acts alleged herein.

18 186. A present controversy exists between Plaintiffs and DEFENDANTS in that
19 Plaintiffs contend and DEFENDANTS deny that DEFENDANTS violated Plaintiffs’ property
20 and liberty rights protected by the Due Process Clause of the Fifth Amendment to the United
21 States Constitution by concealing (and continuing to conceal) the extent and nature of the tests
22 conducted on Plaintiffs and the known or suspected effects of such experiments, and failing to
23 provide adequate medical treatment to Plaintiffs after Plaintiffs were discharged from the
24 military.

25 187. The Court should issue a declaration stating that DEFENDANTS must fully
26 disclose to Plaintiffs complete medical information concerning all tests conducted on Plaintiffs
27 (including any results thereof), as well as the other relief prayed for above, and stating that
28

1 DEFENDANTS’ duty to provide Plaintiffs with all necessary medical treatment on an ongoing
2 basis is mandatory.

3 **SECOND CLAIM FOR RELIEF**
4 **(Injunctive Relief as to All Plaintiffs)**

5 188. Plaintiffs reallege and incorporate herein by reference as though fully set forth,
6 each and every allegation contained in Paragraphs 1 through 187 of this Complaint, subject to this
7 Court’s rulings in its January 19, 2010 Order Granting in Part and Denying in Part Defendants’
8 Motions to Dismiss and Denying Defendants’ Alternative Motion for Summary Judgment
9 (Docket No. 59).

10 189. Plaintiffs seek injunctive relief enjoining DEFENDANTS, and anyone in concert
11 with them, from failing and refusing to do the following:

12 a. Notify Plaintiffs and all “volunteers” of the details of their participation in
13 human experimentation programs and provide them with full documentation of the experiments
14 done on them and all known or suspected health effects;

15 b. Conduct a thorough search of all available document repositories and
16 archives, and other sources, and provide victims with all available documentation concerning the
17 details and conduct of the human experimentation program and known or suspected health
18 effects;

19 c. Provide examinations and medical care and treatment to all participants in
20 the MKULTRA, Edgewood, and other human experiments with respect to any disease or
21 condition that may be linked to their exposures;

22 d. Supply all available information to the VA with respect to any past,
23 existing or future claims for service-connected death or disability compensation based on
24 DEFENDANTS’ human experimentation programs; and

25 e. To the extent violations have continued, to cease committing any violations
26 of the Official Directives or international law.

27
28

THIRD CLAIM FOR RELIEF BY ADDITIONAL INDIVIDUAL PLAINTIFFS AGAINST ORIGINAL DEFENDANTS
(Declaratory and Injunctive Relief)

190. Plaintiffs reallege and incorporate herein by reference as though fully set forth, each and every allegation contained in Paragraphs 1 through 189 of this Complaint, subject to this Court’s rulings in its January 19, 2010 Order Granting in Part and Denying in Part Defendants’ Motions to Dismiss and Denying Defendants’ Alternative Motion for Summary Judgment (Docket No. 59), and in its November 15, 2010 Order Granting in Part and Denying in Part Plaintiffs’ Motion for Leave to File Third Amended Complaint (Docket No. 177).

Wray C. Forrest

191. Former Plaintiff Wray Forrest passed away on August 31, 2010. By leave of this Court, as set forth in its November 15, 2010 Order, two additional Plaintiffs are being added.

Tim Michael Josephs

192. Plaintiff TIM MICHAEL JOSEPHS (“Mr. Josephs”) joined the U.S. Army in January 1967, after graduating from high school. Mr. Josephs was assigned to duty at Edgewood Arsenal for approximately two months in 1968 — from January 1, 1968, to February 29, 1968. Before being assigned to Edgewood Arsenal, Mr. Josephs went through basic training and advanced infantry training, and then attended Officer Candidate School for a few months.

193. After Officer Candidate School, Mr. Josephs was assigned to a holding company, which is a temporary assignment, at Fort Benning, but he anticipated the likelihood that he would be deployed to Vietnam.

194. In late 1967, Mr. Josephs saw a flyer looking for volunteers to serve at Edgewood. He was told, via an announcement at his morning formation, that volunteers at Edgewood would be testing gas masks, boots, and other clothing, and there were no risks associated with the assignment. In fact, he was told that service at Edgewood was an “elite” opportunity that he would have to apply for and not necessarily be accepted. Because Edgewood was relatively close to his hometown of Pittsburgh, Pennsylvania, Mr. Josephs believed that service there would allow him to visit home more often.

1 195. He was promised weekends off, but does not recall other benefits that might have
2 been promised. However, he later received a letter of commendation from Dr. Frederick Sidell,
3 presumably upon completion of his assignment at Edgewood.

4 196. Once he arrived at Edgewood, Mr. Josephs was asked to sign a participation
5 agreement on January 3, 1968, which is a general consent form that did not state any information
6 about the drugs or substances to be given. He was also never warned of any potentially
7 detrimental health effects associated with the testing. Although the agreement references a
8 document entitled “Medical Research Volunteer Program” that was purportedly “annexed” to the
9 agreement, no such document existed. Mr. Josephs never received any documents explaining the
10 details of the Edgewood assignment.

11 197. In fact, the instructions Mr. Josephs did receive were that he would “pay for it” if
12 he ever tried to quit his assignment at Edgewood, and that he was not ever to talk about
13 Edgewood with anyone.

14 198. The day after Mr. Josephs signed his agreement, he went through a battery of
15 physical and mental evaluations before being used as a test subject, although he no longer recalls
16 the details surrounding those initial evaluations.

17 199. While at Edgewood, Mr. Josephs was subjected to tests approximately once per
18 week. During some tests, he was injected with substances that were unknown to him at the time.
19 Following the injections, the Edgewood staff personnel typically would observe him for a period
20 of time, often several hours and sometimes it would span multiple days. Mr. Josephs may have
21 participated in tests that required him to wear gas masks while being exposed to chemicals in gas
22 chambers.

23 200. Mr. Josephs was required to carry a special card that provided instructions to call
24 Edgewood if he experienced a medical emergency while off base during weekends. However, he
25 does not recall what he told his family and friends during his visits to them on the weekends
26 about what he was doing at Edgewood, or why he had to carry a card with instructions regarding
27 potential medical emergencies.

28

1 201. Long after the completion of his assignment at Edgewood, Mr. Josephs first
2 discovered that he received at least the following chemicals and/or derivatives thereof, as
3 indicated in his medical records and/or correspondence from the government: pyridine-2-
4 aldoxime methane sulfate (a derivative of 2-PAM), also known as P2S, scopolamine, Prolixin,
5 Congentin, and Artane.

6 202. Moreover, Mr. Josephs' medical files indicated that the experiment in which he
7 was given 9 grams of P2S on February 1, 1968, was to treat "organophosphorous poisoning,"
8 which results from exposure to anticholinesterase agents such as nerve gas and pesticides. This
9 indicates that Mr. Josephs likely received injections of nerve gas such as sarin, and/or pesticides
10 such as dioxin, prior to receiving a high dose of P2S.

11 203. During one of the experiments on February 19-21, 1968, after Mr. Josephs was
12 given Prolixin, he had an apparent reaction that produced symptoms akin to those of Parkinson's
13 disease, including tremors. According to his medical files, the doctor on staff used drugs that
14 were normally used to treat Parkinson's disease (i.e., Congentin and Artane) to treat him, and his
15 symptoms subsided.

16 204. Upon leaving Edgewood Arsenal at the end of February 1968, Mr. Josephs was
17 debriefed by government personnel. Mr. Josephs was warned to never talk about his experiences
18 at Edgewood, and to forget about everything that he ever did, said, or heard at Edgewood.

19 205. Mr. Josephs has a copy of a "class picture" from Edgewood, consisting of
20 volunteers who served at Edgewood at or around the same time he did. He recognizes the
21 volunteer seated next to him in the picture, but does not recall his name. He also does not
22 remember anyone else in the picture.

23 206. A few days after leaving Edgewood, Mr. Josephs returned to Fort Benning. His
24 medical records show that he required medication for "nerves." He also recalls "not feeling
25 himself," nervous and "shaky" for a while after returning to Fort Benning.

26 207. After a short stint at Fort Benning, Mr. Josephs served in Thailand for about one
27 year, prior to being honorably discharged from the service in August of 1969, at which time
28

1 Mr. Josephs returned home to Pittsburgh. Based upon his instructions, Mr. Josephs did not tell
2 anyone about what happened at Edgewood.

3 208. Since being discharged from the military, Mr. Josephs has been contacted by the
4 government representatives on several occasions. For example, in 1975, he was contacted by the
5 government for the completion of a questionnaire to assess his general health.

6 209. Mr. Josephs decided to try to find out more about his experiences at Edgewood
7 and what actually happened there, so he drafted a letter to the government to find out what
8 substances he was exposed to while at Edgewood. On September 17, 1975, Mr. Josephs received
9 a letter from Dr. C. McClure, Director of Biomedical Laboratory, informing him of the names of
10 three of the substances to which he was exposed, none of which he had ever heard of: pyridine-2-
11 aldoxime methane sulfate, scopolamine, and Prolixin. As Mr. Josephs was still in good health at
12 the time, he did not follow up with the government further. Mr. Josephs' records do not show any
13 contacts between the government and him regarding his services at Edgewood between 1976 and
14 2000.

15 210. However, in 2000 and then 2001, Mr. Josephs received additional surveys from the
16 government which asked questions about his state of health. It was then Mr. Josephs requested
17 his file relating to the experiments he had undergone at Edgewood, which discussed various other
18 substances (i.e., Congentin and Artane, and possibly also nerve gas and/or pesticides) to which he
19 was exposed during his time at Edgewood. The government never warned him, at any time,
20 about the possible health effects of his exposures at Edgewood.

21 211. Mr. Josephs' health has deteriorated rapidly in the last several years, which has
22 made it difficult for him to investigate what happened at Edgewood, and to assess possible links
23 to his health problems. In 2004, he was diagnosed with Parkinson's disease, which he recently
24 learned has some sort of an association with the chemicals he was exposed to at Edgewood. He
25 also suffered two "small strokes" (as told by his doctor, Dr. Nicolaas Bohnen), which may have
26 resulted from exposure to the chemicals at Edgewood. In addition, he currently suffers from
27 hypertension, which may have been caused by his exposure to P2S. Mr. Josephs' medical records
28 show that he had received a very high dose (9 grams) of P2S while at Edgewood, a dose much

1 higher than the low doses (of 2 PAM, of which P2S is a derivative) found to cause hypertension
2 in recent studies.

3 212. Mr. Josephs sought benefits through the VA in the fall of 2009, but was notified
4 via mail by the VA regional office in Baltimore that he was not eligible because his family
5 income was too high. However, the substantial out-of-pocket medical expenses, including cost of
6 his treatments and prescription drugs, has been a financial burden to Mr. Josephs and his wife.

7 213. The account in this Third Amended Complaint has been compiled from memories
8 and fragments of Mr. Josephs' own recollection, earlier discussions with his wife, the results of
9 his wife's research, as well as portions of his available military records.

10 **William Blazinski**

11 214. Plaintiff WILLIAM BLAZINSKI ("Mr. Blazinski") was drafted into the Army and
12 began service on October 4, 1966, at the age of 19. He was stationed at Edgewood Arsenal for a
13 60-day tour from March 1, 1968, to April 30, 1968. Before being assigned to Edgewood,
14 Mr. Blazinski was stationed at Fort Sill, Oklahoma. He was trained as an infantryman, but also
15 served in the 85th Missile Detachment.

16 215. While stationed at Fort Sill, Mr. Blazinski attended a presentation by personnel
17 from Edgewood, who were recruiting test subjects to test substances and/or equipment. In
18 exchange for participating, volunteers were promised that they would have three-day weekend
19 passes and no duties (i.e., guard or KP duties) beyond participation in tests. Mr. Blazinski agreed
20 to participate, believing that he was "doing the right thing" by doing so.

21 216. After volunteering, Mr. Blazinski underwent a "mental stability" test and a
22 physical at Fort Sill. At that time or shortly after arriving at Edgewood, he completed numerous
23 forms, including a "participation agreement." To his recollection, Mr. Blazinski never received a
24 Volunteer Handbook. While Mr. Blazinski does not remember signing a security non-disclosure
25 form, he was told repeatedly that the experiments were top-secret and that he could not disclose
26 anything about what happened there to anyone. He became Volunteer Number 5031.

27 217. Mr. Blazinski participated in at least five experiments at Edgewood. During three
28 of them, he was gassed with types of chlorobenzylidene malononitrile ("CS," commonly known

1 as tear gas). Mr. Blazinski was told that the gas was being deployed in Vietnam and that, after
2 being dropped in enemy tunnels, “nobody was coming out.” During these gas experiments,
3 Mr. Blazinski and other participants were instructed to remain in a gas chamber for as long as
4 possible while being exposed to CS gas. During each CS test, he managed to tolerate the
5 exposure for ten minutes as his eyes watered, his nose burned, and he choked before being
6 removed from the chamber.

7 218. In another experiment, Mr. Blazinski was told that he was testing an agent and its
8 antidote and that he would lose his eyesight temporarily during the test. Instead, he was placed in
9 a padded room and given scopolamine, an experimental antidote for nerve-agent poisoning that
10 causes harmful side effects, and another drug, physostigmine, to test its ability to reverse
11 scopolamine’s effects. After a short time, he suddenly noticed that the wall was “fluttering” like
12 a flag in the sky, and he began having severe vision problems. He could not distinguish between
13 his fingers when holding his hand in front of his face; his hand looked “webbed.” He was then
14 taken to another room where he was given math and mechanical tests that he had previously
15 taken. Mr. Blazinski lacked the focus to perform the math test and the dexterity to perform the
16 mechanical test. He was given thick glasses to help him see. Mr. Blazinski was then taken to
17 lunch. When given a plate of peas, the peas looked like one green mass, and he was unable to
18 feed himself without assistance.

19 219. During a fifth experiment, described to him at the time as a “communications
20 system” test, electrodes were attached to Mr. Blazinski and electrical charges ran through his
21 body, causing pain like pinpricks. Years later, Mr. Blazinski would learn that it had actually been
22 a drug experiment and that he may have been part of a control group.

23 220. Mr. Blazinski returned to Fort Sill to complete his military obligation and was
24 discharged from the Army on October 3, 1968.

25 221. In 2008, Mr. Blazinski was diagnosed with chronic lymphocytic leukemia and
26 ulcerative colitis. He never told any doctor about his time at Edgewood until after those
27 diagnoses. He also suffers from high blood pressure and eczema. Mr. Blazinski applied for VA
28 disability benefits in 2008, but was denied.

1 222. The additional individual Plaintiffs in this Claim for Relief seek the same forms of
2 relief as the original Plaintiffs. Together with one or more of the original Plaintiffs, Plaintiffs
3 may seek court approval for the Additional Plaintiffs to serve as class representatives.

4 **FOURTH CLAIM FOR RELIEF BY VVA AND ALL INDIVIDUAL PLAINTIFFS**
5 **AGAINST DVA AND SECRETARY SHINSEKI**
6 **(Declaratory and Injunctive Relief)**

7 223. Plaintiffs reallege and incorporate herein by reference as though fully set forth,
8 each and every allegation contained in Paragraphs 1 through 222 of this Complaint, subject to this
9 Court’s rulings in its January 19, 2010, Order Granting in Part and Denying in Part Defendants’
10 Motions to Dismiss and Denying Defendants’ Alternative Motion for Summary Judgment
11 (Docket No. 59).

12 **Defendant Department of Veterans Affairs**

13 224. Defendant DEPARTMENT OF VETERANS AFFAIRS (“DVA”) is the federal
14 agency responsible for providing service-connected death and disability compensation
15 (“SCDDC”) and free, priority health care for our nation’s veterans (and their survivors) who
16 become disabled or die in their service to our country. The Veterans Benefits Administration
17 (“VBA”) is the branch of DVA responsible for the administration of veterans’ benefits, including
18 SCDDC, while the Veterans Health Administration (“VHA”) is responsible for providing free
19 health care to disabled veterans on a priority basis. Defendant ERIC K. SHINSEKI is the United
20 States Secretary of Veterans Affairs, and is named herein solely in his official capacity.

21 225. Defendants have actively concealed the DVA’s actual participation in the chemical
22 and biological weapons program. Defendants have recently produced documents in discovery
23 that reveal that the Army, DOD, and CIA procured from DVA some of the substances, including
24 samples of drugs and chemicals, that the Army and CIA used to conduct experiments on military
25 personnel or veterans. The adverse information that made such substances unsuitable for
26 treatment or use were the exact same properties that made them attractive as candidates for use in
27 chemical or biological weapons, yet the DVA either failed to advise the other defendants of the
28 known or suspected risks or failed to ensure that those known or suspected risks were disclosed to

1 the military personnel whom the DVA knew would be tested with the substances. Defendants
2 never shared any information about known or suspected risks with the subjects of the
3 experiments. DVA assumed an independent obligation of full disclosure and notification to the
4 military personnel exposed to substances that it provided to Defendants, but DVA has failed to
5 fulfill that obligation. Plaintiffs have been unable to obtain information from Defendants as to
6 what substances were actually supplied by DVA, and which were used on the Individual Plaintiffs
7 or other class members.

8 226. Moreover, during the long period of time that the DVA has been involved in
9 deciding whether affected veterans obtain free, priority health care and SCDDC, as well as
10 conducting the outreach activities described above, the DVA has been conducting its own
11 experiments using human subjects (veterans) that involve many of the same chemical and
12 biological weapons that were the subject of the Army and CIA programs, and many of which also
13 failed to comply with the Official Directives. For example, the DVA has tested LSD-25 on
14 veterans dating back to at least the late 1950s. The DVA also conducted studies at its own
15 medical facilities in the early 1960s using veterans residing at a VA domiciliary as guinea pigs,
16 which were sponsored by the CIA and used CIA cut-outs for funding; for example MKULTRA
17 Subproject 125, conducted at the VA Center in Martinsburg, West Virginia, involved studies of
18 differential effects of drugs such as meprobamate and dextro-amphetamine on behavior, including
19 the placebo effect, utilized unwitting subjects, and used the Society for the Investigation of
20 Human Ecology as a cover for funding and security purposes. Based upon recent VHA filings
21 concerning its Research Laboratory Hazardous Agents Control Program, the common
22 chemicals/drugs tested by the DVA and the other Defendants include BZ (3-quinuclidinyl
23 benzialate), Lewisite, LSD, mustard gas, phosgene, sarin, soman (GD), tabun (GA), VX (nerve
24 gas), and others. Tests conducted in VHA research facilities also include a long litany of
25 biological agents such as botulism, anthrax, ebola virus, brucella, and many others.

26 227. In approximately 2005-06, the DVA became involved in outreach activities and
27 notification concerning veterans who had participated in the chemical and biological experiments
28 program. DVA divided the exposed veterans relevant to this action into two groups. First, based

1 upon information received from DOD, the DVA ultimately identified approximately 4,495
2 veterans who had been exposed to mustard agents and lewisite (mustard gas) (the “Mustard Gas
3 Group”). Second, DVA received or compiled a database of 10,528 veterans who were exposed to
4 other chemical or biological substances at the Edgewood Arsenal (the “Chemical/Biological
5 Weapons Group”). As known by the DVA, the DOD list received by the DVA omitted the names
6 of all veterans exposed before 1954, which likely numbered in the tens of thousands.

7 228. Neither the DVA nor other Defendants have made even a semblance of a
8 comprehensive effort to identify or notify veterans exposed to chemical and biological weapons at
9 other locations than the Edgewood Arsenal. Likewise, the DVA has not compiled any
10 information concerning veterans who were the subject of brain implants or mind control
11 experiments. Moreover, the DVA has made no effort to contact survivors of dead veterans, who
12 would be eligible for Dependency and Indemnity compensation (“DIC”) if the death of the
13 veteran’s spouse were service connected. As a result, Defendants’ notification program began
14 with a truncated list of names representing only a small fraction of the veterans exposed to
15 chemical weapons, biological weapons, and mind control experiments and even a smaller fraction
16 of persons potentially eligible for SCDDC, including DIC.

17 229. Of the 4,495 veterans in the Mustard Gas Group, the DVA concluded that almost
18 half (2,120) were dead; as to them, the notification efforts ceased, despite the survivors’ potential
19 eligibility for DIC. Of the remaining 2,375 veterans in the Mustard Gas Group, the DVA has
20 found addresses of only 371, or 15.6%. As of September 2009, the DVA had received 1,518
21 SCDDC claims by veterans based upon mustard gas exposure, 142 of which were still pending.
22 The DVA’s 2009 report does not reveal how many of the remaining 1,376 mustard gas claims
23 were granted, but a VBA data summary from January 2006 reported that 11 SCDDC claims in the
24 Mustard Gas Group had been granted, or approximately 0.8%. VBA abandoned any further
25 efforts to notify Mustard Gas Group veterans in 2009, and, as noted above, has never notified
26 survivors of veterans whose deaths were or may have been service connected of their potential
27 eligibility of DIC.

1 230. Of the 10,528 names of veterans that DVA received from DOD concerning the
2 Chemical/Biological Weapons Group, the DVA has notified only 3,218, or 30.6%, and appears to
3 have made no effort to expand the original group of veteran names based upon defects, gaps, or
4 omissions in the original list. Moreover, it appears that the DVA has made no effort to notify
5 veterans with “possible exposures” or to identify military personnel exposed to toxic agents
6 during “protective suit physicals” at Edgewood unless the soldier had actually sought aid at the
7 “Toxic Aid Exposure Station.” The DVA has received 87 SCDDC claims from veterans in the
8 Chemical/Biological Weapons Group, of which only 2, less than 3%, have been granted. It is
9 unclear whether the DVA has continued or abandoned efforts to notify veterans whose names are
10 actually listed in the Chemical/Biological Weapons Group.

11 231. The notification letters sent by the DVA to veterans enclose so-called “Fact
12 Sheets” and Answers to “Frequently Asked Questions”. The notification letters and other
13 materials sent by DVA, together with other information prepared or circulated as part of the DVA
14 outreach efforts, contain a series of misrepresentations of material fact and other information
15 intended and calculated to discourage veterans from applying for SCDDC or seeking health care
16 from the VHA. Among these misrepresentations and other statements were the following:

17 (a) falsely representing that the chemical and biological weapons tests had begun in the mid-
18 1950s, a misstatement intended to justify the decision not to notify participants tested before 1954
19 and to hide the fact that such tests did not conform to the Nuremburg Law; (b) falsely
20 representing that scientific studies had been conducted showing that exposed veterans did not
21 have any significant adverse health effects and that “available evidence and follow-up” studies
22 had been conducted which “[did] not support significant long-term physical harm among subjects
23 exposed to acutely toxic amounts of [these] agents other than mustard gas and Lewisite;”

24 (c) falsely representing that the doses and safety of the test substances had been pre-confirmed in
25 animal tests and that doses were increased only where there was “a low risk of serious side
26 effects;” (d) falsely representing that the participants in the tests had received low doses;

27 (e) falsely representing that the participants in the tests had voluntarily consented to them and the
28 consent was informed because the Army had “provided study information to each volunteer;”

1 (f) falsely representing that the tests were defensive in nature and purpose; (g) describing the
2 drugs administered as “common approved pharmaceuticals,” and that long-term health effects
3 from psychochemicals were limited to LSD; (h) the omission of known, material information
4 about the adverse physical and mental health effects of the chemicals and biological substances
5 derived from earlier studies or incidents involving humans, past studies of industrial accidents,
6 animals studies, and other sources; (i) falsely representing that the tests were conducted in “great
7 care” and that details were recorded as to the date and type of study, the specific chemicals used,
8 the amount of each chemical, the observed health effects, and any treatment provided, and that all
9 participants had received treatment for all adverse health effects; (j) placing an undue and
10 disproportionate emphasis on the inclusion of placebos and benign substances, particularly given
11 the average number of tests of different chemicals each veteran was exposed to; (k) omitting
12 information concerning DIC claims that could be brought by survivors of veterans who
13 participated in the chemical and biological weapons tests; (l) withholding data concerning the
14 incidence of diseases or conditions experienced by veterans that had been exposed to chemicals
15 and drugs in experiments and the known dangers of interactions between or among different
16 chemicals or substances administered to veterans; and (m) falsely representing that no specific
17 medical tests or evaluations were available for the types of exposures experienced by veterans
18 and emphasizing that medical examinations only were available from the DVA, and that the fact
19 of notification did not suggest eligibility for health care or compensation, when in fact the DVA
20 knew or should have known that some of the veterans receiving notice were eligible for one or
21 both. The FAQs also represent that the DOD does not conduct any human experimentation
22 involving chemical agents today, although appears to contradict itself in a later sentence where it
23 states that the DOD continues to test agents that protect against chemical weapons, which implies
24 that chemicals are still being administered to service personnel in order to test the protective
25 agents. Moreover, the DVA has failed to adequately obtain exposure and test information
26 available from the Army and DOD concerning the identity, properties, doses, mode of exposure,
27 and other fundamental information relating to service connection, and to train adjudicators and
28 medical personnel to fairly evaluate and process SCDDC claims based upon exposure to

1 substances used in chemical and biological weapons or the program of mind-control
2 experimentation.

3 232. The Fifth Amendment due process clause guarantees that decision makers
4 respecting eligibility for health care and SCDDC be neutral and unbiased, and that they lack an
5 interest in the subject matter of their determinations or some undisclosed conflict of interest. The
6 DVA's decisions described above, including the interminable delays in providing and misleading
7 contents of the notice, the incomplete rosters of veterans selected to receive notice, the small
8 percentage of veterans located, the nature of the information imparted to exposed veterans, and
9 the shockingly low success rate on claims are all reflections, manifestations, or the results of bias
10 and the violations of the due process rights of Plaintiffs and members of the proposed class.

11 233. Plaintiffs are entitled to a declaration from this Court stating that decisions made
12 by the DVA respecting entitlement to SCDDC and/or eligibility for free and/or medical care
13 based upon service connection are null and void due to violations of the due process clause of the
14 Fifth Amendment to the U.S. Constitution.

15 234. Plaintiffs are also entitled to a preliminary and permanent injunction forbidding
16 defendants from continuing to use biased decision makers to decide their eligibility for free,
17 priority health care and for SCDDC, including DIC. Plaintiffs also request that this Court enter
18 an order directing the DVA to propose a plan to remedy denials of affected claims for SCDDC
19 and/or eligibility for medical care based upon service connection and to devise procedures for
20 resolving such claims that comply with the due process clause, which involve, at a minimum, an
21 independent decision maker, all to be submitted to the Court for advance approval.

22 **PRAYER FOR RELIEF**

23 WHEREFORE, subject to this Court's rulings in its January 19, 2010 Order Granting in
24 Part and Denying in Part Defendants' Motions to Dismiss and Denying Defendants' Alternative
25 Motion for Summary Judgment (Docket No. 59), Plaintiffs pray for judgment against
26 DEFENDANTS as follows:

- 27 1. On the First Claim for Relief, for declaratory relief as prayed for above.
28

- 1 2. On the Second Claim for Relief, for a preliminary and permanent injunction as
- 2 prayed for above.
- 3 3. On the Third Claim for Relief, for declaratory and injunctive relief as prayed for
- 4 above.
- 5 4. On the Fourth Claim for Relief, for declaratory and injunctive relief as prayed for
- 6 above.
- 7 5. On all claims for relief, for Plaintiffs' reasonable attorneys' fees and costs incurred
- 8 herein pursuant to 28 U.S.C. § 2412 and any other applicable law.
- 9 6. For such other relief as the Court deems just and proper.

10 Dated: November 18, 2010

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Complaints and Other Initiating Documents[4:09-cv-00037-CW Vietnam Veterans of America et al v. Central Intelligence Agency et al](#)

ADRMOPTERM, E-Filing

U.S. District Court
Northern District of California
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The following transaction was received from by Erspamer, Gordon entered on 11/18/2010 5:23 PM PST and filed on 11/18/2010

Case Name: Vietnam Veterans of America et al v. Central Intelligence Agency et al

Case Number: [4:09-cv-00037-CW](#)

Filer: Swords to Plowshares
Veterans Rights Organization
Vietnam Veterans of America
Bruce Price
Franklin D. Rochelle
Larry Meirow
Eric P. Muth
David C. Dufrane
William Blazinski
Tim Michael Josephs

Document Number: [180](#)

Docket Text:

[AMENDED COMPLAINT Third Amended Complaint for Declaratory and Injunctive Relief Under United States Constitution and Federal Statutes and Regulations against Central Intelligence Agency, Robert M. Gates, Pete Geren, Eric H. Holder, Jr, Leon Panetta, United States Department of Defense, United States Department of the Army,](#)

United States of America, United States Department of Veterans Affairs, Eric K. Shinseki. Filed by Bruce Price, Vietnam Veterans of America, Veterans Rights Organization, Franklin D. Rochelle, Eric P. Muth, Swords to Plowshares, Larry Meirow, David C. Dufrane, William Blazinski, Tim Michael Josephs. (Attachments: # (1) Exhibit A, # (2) Exhibit B, # (3) Exhibit C)(Erspamer, Gordon) (Filed on 11/18/2010)

4:09-cv-00037-CW Notice has been electronically mailed to:

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4:09-cv-00037-CW Please see [General Order 45 Section IX C.2 and D](#); Notice has NOT been electronically mailed to:

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:C:\Documents and Settings\kebl

\Desktop\Fax_File_or_Docket\NEW_Third_Amended_Complaint__No_Feres_.pdf

Electronic document Stamp:

[STAMP CANDStamp_ID=977336130 [Date=11/18/2010] [FileNumber=6920230-0] [8c52b83b5e352409d8b0d895aa924a92b5a39a2a77dbae7767a84842455bf6c692a0db6fe77ea666332b674036bfb0132e469eae31b2ddeddc5fafa17028c53e]]

Document description:Exhibit A

Original filename:\\pracsupsf1\pracsup\$\86015\0000001\Court documents\Exhibits to Complaint\Exh A to Complaint with Bates_1978 DOJ Memo.pdf

Electronic document Stamp:

[STAMP CANDStamp_ID=977336130 [Date=11/18/2010] [FileNumber=6920230-1] [2419d8a80de93fe3a9ea64f02640786b49916b0457adcba455a8de57a48b44be9fb2cd95c281316aedebe8485a2a7e576d58d90e3cd265a2d906277487bfb05c]]

Document description:Exhibit B

Original filename:\\pracsupsf1\pracsup\$\86015\0000001\Court documents\Exhibits to Complaint\Exh B to Complaint with Bates_1963 CIA IG Report (reduced file size).pdf

Electronic document Stamp:

[STAMP CANDStamp_ID=977336130 [Date=11/18/2010] [FileNumber=6920230-2]
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fec63ce7ed59dd6d7180062dfc1b8c393d6add8cbf792a84e32ee2f175ce]]

Document description:Exhibit C

Original filename:\\pracsupsf1\pracsup\$\86015\0000001\Court documents\Exhibits to
Complaint\Exh C to Complaint with Bates_1953 Wilson memo.pdf

Electronic document Stamp:

[STAMP CANDStamp_ID=977336130 [Date=11/18/2010] [FileNumber=6920230-3]
[05835356f097ece3c0d3b5345073e57fd3c72e95fc0e95cc115e9bf6636440cc5f0a
86cf826ea19b0fb4db104fe5e19e0a4ab4b431421a3ae264154d53c0f9e3]]

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U.S. District Court
California Northern District (Oakland)
CIVIL DOCKET FOR CASE #: 4:09-cv-00037-CW

Vietnam Veterans of America et al v. Central Intelligence Agency et al

Assigned to: Hon. Claudia Wilken

Referred to: Magistrate Judge Jacqueline Scott Corley
Magistrate Judge Elizabeth D. Laporte

(Settlement)

Case in other court: Ninth Circuit Court of Appeals, 13-17430
14-15108

Cause: 28:2201 Constitutionality of State Statutes

Date Filed: 01/07/2009

Date Terminated: 11/19/2013

Jury Demand: None

Nature of Suit: 890 Other Statutory Actions

Jurisdiction: U.S. Government

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TERMINATED: 06/17/2013

Kimberly L. Herb

(See above for address)

ATTORNEY TO BE NOTICED

Lily Sara Farel

(See above for address)

ATTORNEY TO BE NOTICED

Ryan B Parker

(See above for address)

ATTORNEY TO BE NOTICED

Defendant

David H Petraeus

*Director of the Central Intelligence
Agency*

represented by **Joshua Edward Gardner**

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Brigham John Bowen

(See above for address)

ATTORNEY TO BE NOTICED

Judson Owen Littleton

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Ryan B Parker

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Defendant

Leon E. Panetta

Secretary of Defense

represented by **Joshua Edward Gardner**

(See above for address)

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Ryan B Parker

(See above for address)

ATTORNEY TO BE NOTICED

Defendant

John McHugh

United States Secretary of the Army

represented by **Joshua Edward Gardner**

(See above for address)

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Brigham John Bowen

(See above for address)

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*ATTORNEY TO BE NOTICED***Ryan B Parker**

(See above for address)

ATTORNEY TO BE NOTICED

V.

Respondent**Department of Veterans Affairs***TERMINATED: 11/18/2010*represented by **Caroline Lewis Wolverton**

(See above for address)

TERMINATED: 11/12/2010

Date Filed	#	Docket Text
01/07/2009	1	COMPLAINT against United States Department of the Army, Central Intelligence Agency, Michael V. Hayden, United States Department of Defense, Robert M. Gates, Pete Geren, United States of America, Michael B. Mukasey (Filing fee \$ 350, receipt number 34611027260.). Filed by Franklin D. Rochelle, Larry Meirow, Vietnam Veterans of America, Eric P. Muth, David C. Dufrane, Wray C. Forrest, Bruce Price. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C)(cp, COURT STAFF) (Filed on 1/7/2009) (Entered: 01/08/2009)
01/07/2009	2	Summons Issued as to Central Intelligence Agency, Michael V. Hayden, United States Department of Defense, Robert M. Gates, Pete Geren, United States of America, Michael B. Mukasey, United States Department of the Army. (cp, COURT STAFF) (Filed on 1/7/2009) (Entered: 01/08/2009)
01/07/2009	3	ADR SCHEDULING ORDER: Case Management Statement due by 4/7/2009. Case Management Conference set for 4/14/2009 02:00 PM. (Attachments: # 1 Standing Order)(cp, COURT STAFF) (Filed on 1/7/2009) (Entered: 01/08/2009)
01/07/2009		CASE DESIGNATED for Electronic Filing. (cp, COURT STAFF) (Filed on 1/7/2009) (Entered: 01/08/2009)
01/21/2009	4	SUMMONS Returned Executed by Franklin D. Rochelle, Larry Meirow, Vietnam Veterans of America, Eric P. Muth, David C. Dufrane, Wray C. Forrest, Bruce Price. Central Intelligence Agency served on 1/8/2009, answer due 3/9/2009. (Erspamer, Gordon) (Filed on 1/21/2009) (Entered: 01/21/2009)
01/21/2009	5	SUMMONS Returned Executed by Franklin D. Rochelle, Larry Meirow, Vietnam Veterans of America, Eric P. Muth, David C. Dufrane, Wray C. Forrest, Bruce Price. United States Department of the Army served on 1/12/2009, answer due 3/13/2009. (Erspamer, Gordon) (Filed on 1/21/2009) (Entered: 01/21/2009)

01/21/2009	6	SUMMONS Returned Executed by Franklin D. Rochelle, Larry Meirow, Vietnam Veterans of America, Eric P. Muth, David C. Dufrane, Wray C. Forrest, Bruce Price. United States Department of Defense served on 1/14/2009, answer due 3/16/2009. (Erspamer, Gordon) (Filed on 1/21/2009) (Entered: 01/21/2009)
01/21/2009	7	*** FILED IN ERROR. PLEASE REFER TO DOCUMENT 12 . *** SUMMONS Returned Executed by Franklin D. Rochelle, Larry Meirow, Vietnam Veterans of America, Eric P. Muth, David C. Dufrane, Wray C. Forrest, Bruce Price. Robert M. Gates served on 1/12/2009, answer due 3/13/2009. (Erspamer, Gordon) (Filed on 1/21/2009) Modified on 1/23/2009 (feriab, COURT STAFF). (Entered: 01/21/2009)
01/21/2009	8	SUMMONS Returned Executed by Franklin D. Rochelle, Larry Meirow, Vietnam Veterans of America, Eric P. Muth, David C. Dufrane, Wray C. Forrest, Bruce Price. Pete Geren served on 1/12/2009, answer due 3/13/2009. (Erspamer, Gordon) (Filed on 1/21/2009) (Entered: 01/21/2009)
01/21/2009	9	SUMMONS Returned Executed by Franklin D. Rochelle, Larry Meirow, Vietnam Veterans of America, Eric P. Muth, David C. Dufrane, Wray C. Forrest, Bruce Price. Michael V. Hayden served on 1/8/2009, answer due 3/9/2009. (Erspamer, Gordon) (Filed on 1/21/2009) (Entered: 01/21/2009)
01/21/2009	10	SUMMONS Returned Executed by Franklin D. Rochelle, Larry Meirow, Vietnam Veterans of America, Eric P. Muth, David C. Dufrane, Wray C. Forrest, Bruce Price. Michael B. Mukasey served on 1/8/2009, answer due 3/9/2009. (Erspamer, Gordon) (Filed on 1/21/2009) (Entered: 01/21/2009)
01/21/2009	11	SUMMONS Returned Executed by Franklin D. Rochelle, Larry Meirow, Vietnam Veterans of America, Eric P. Muth, David C. Dufrane, Wray C. Forrest, Bruce Price. United States of America served on 1/8/2009, answer due 3/9/2009. (Erspamer, Gordon) (Filed on 1/21/2009) (Entered: 01/21/2009)
01/23/2009	12	SUMMONS Returned Executed by Franklin D. Rochelle, Larry Meirow, Vietnam Veterans of America, Eric P. Muth, David C. Dufrane, Wray C. Forrest, Bruce Price. Robert M. Gates served on 1/14/2009, answer due 3/16/2009. <i>CORRECTION OF DOCKET # 7</i> . (Erspamer, Gordon) (Filed on 1/23/2009) (Entered: 01/23/2009)
03/12/2009	13	SUMMONS Returned Executed by Franklin D. Rochelle, Larry Meirow, Vietnam Veterans of America, Eric P. Muth, David C. Dufrane, Wray C. Forrest, Bruce Price. United States of America served on 3/10/2009, answer due 5/11/2009. <i>Personal Service on US Attorney, Northern District of California</i> (Erspamer, Gordon) (Filed on 3/12/2009) (Entered: 03/12/2009)
03/24/2009	14	STIPULATION to Continue Case Management Conference; and [Proposed] Order by Central Intelligence Agency, Michael V. Hayden, United States Department of Defense, Robert M. Gates, Pete Geren, United States of America, Michael B. Mukasey, United States Department of the Army, Vietnam Veterans of America, et al. (Beckenhauer, Eric) (Filed on 3/24/2009) Modified on 3/25/2009 (cp, COURT STAFF). (Entered: 03/24/2009)
03/31/2009	15	ORDER re 14 granting STIPULATION to Continue Case Management

		Conference. Initial Case Management Conference set for 6/16/2009 02:00 PM.. Signed by Judge Claudia Wilken on 3/31/09. (scc, COURT STAFF) (Filed on 3/31/2009) (Entered: 03/31/2009)
04/30/2009	16	NOTICE by Franklin D. Rochelle, Larry Meirow, Vietnam Veterans of America, Eric P. Muth, David C. Dufrane, Wray C. Forrest, Bruce Price <i>Notice of Service by Certified Mail-Return Receipt Requested</i> (Erspamer, Gordon) (Filed on 4/30/2009) (Entered: 04/30/2009)
04/30/2009	17	Certificate of Interested Entities by Franklin D. Rochelle, Larry Meirow, Vietnam Veterans of America, Eric P. Muth, David C. Dufrane, Wray C. Forrest, Bruce Price <i>Plaintiffs' Corporate Disclosure Statement and Certification of Interested Entities or Persons</i> (Erspamer, Gordon) (Filed on 4/30/2009) (Entered: 04/30/2009)
05/11/2009	18	STIPULATION <i>to Extend Time to Respond to Complaint and to Enter Briefing Schedule; and [Proposed] Order</i> by Central Intelligence Agency, Michael V. Hayden, United States Department of Defense, Robert M. Gates, Pete Geren, United States of America, Michael B. Mukasey, United States Department of the Army, Vietnam Veterans of America, David C. Dufrane, Wray C. Forrest, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle. (Beckenhauer, Eric) (Filed on 5/11/2009) Modified on 5/12/2009 (cp, COURT STAFF). (Entered: 05/11/2009)
05/12/2009	19	ORDER re 18 granting STIPULATION to Extend Time to Respond to Complaint and to Enter Briefing Schedule. Motion Hearing set for 9/17/2009 02:00 PM.. Signed by Judge Claudia Wilken on 5/12/09. (scc, COURT STAFF) (Filed on 5/12/2009) (Entered: 05/12/2009)
05/26/2009	20	ADR Certification (ADR L.R. 3-5 b) of discussion of ADR options <i>and Joint Request for Exemption from Formal ADR Process</i> (Attachments: # 1 Proposed Order)(Beckenhauer, Eric) (Filed on 5/26/2009) (Entered: 05/26/2009)
05/29/2009	21	ORDER granting re 20 Stipulation Re: ADR Certification (ADR L.R. 3-5 b)of discussion of ADR options filed by United States Department of Defense, United States Department of the Army, Central Intelligence Agency, Michael B. Mukasey, United States of America, Michael V. Hayden, Robert M. Gates, Pete Geren. Signed by Judge Claudia Wilken on 5/29/09. (scc, COURT STAFF) (Filed on 5/29/2009) (Entered: 05/29/2009)
06/02/2009	22	NOTICE of Substitution of Counsel by Caroline Lewis Wolverton (Wolverton, Caroline) (Filed on 6/2/2009) (Entered: 06/02/2009)
06/04/2009	23	MOTION for Extension of Time to File <i>Response to Complaint</i> filed by Central Intelligence Agency, Michael V. Hayden, United States Department of Defense, Robert M. Gates, Pete Geren, United States of America, Michael B. Mukasey, United States Department of the Army. (Attachments: # 1 Affidavit Declaration of Caroline Lewis Wolverton, # 2 Proposed Order)(Wolverton, Caroline) (Filed on 6/4/2009) (Entered: 06/04/2009)
06/08/2009	24	Memorandum in Opposition re 23 MOTION for Extension of Time to File <i>Response to Complaint Plaintiffs' Opposition to Defendants' Motion to Enlarge Time to Respond to Complaint</i> filed byDavid C. Dufrane, Wray C.

		Forrest, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Vietnam Veterans of America. (Erspamer, Gordon) (Filed on 6/8/2009) (Entered: 06/08/2009)
06/08/2009	25	Declaration of Timothy W. Blakely in Support of 24 Memorandum in Opposition, <i>Declaration of Timothy W. Blakely in Support of Plaintiffs' Opposition to Defendants' Motion to Enlarge Time</i> filed by David C. Dufrane, Wray C. Forrest, Larry Meirow, Eric P. Muth, Bruce Price, Vietnam Veterans of America. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Exhibit 3)(Related document(s) 24) (Erspamer, Gordon) (Filed on 6/8/2009) (Entered: 06/08/2009)
06/09/2009	26	JOINT CASE MANAGEMENT STATEMENT filed by David C. Dufrane, Wray C. Forrest, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Vietnam Veterans of America, Central Intelligence Agency, Robert M. Gates, Pete Green, Michael V. Hayden, Michael B. Mukasey, United States Department of Defense, United States Department of the Army, United States of America. (Erspamer, Gordon) (Filed on 6/9/2009) Modified on 6/10/2009 (cp, COURT STAFF). (Entered: 06/09/2009)
06/12/2009	27	ORDER by Judge Claudia Wilken granting as modified 23 MOTION for Extension of Time to File Response to Complaint (sc, COURT STAFF) (Filed on 6/12/2009) (Entered: 06/12/2009)
06/30/2009	28	MOTION to Seal Document filed by Central Intelligence Agency, Robert M. Gates, Pete Geren, Michael V. Hayden, Michael B. Mukasey, United States Department of Defense, United States Department of the Army, United States of America. (Attachments: # 1 Affidavit Declaration of Caroline Lewis Wolverton, # 2 Proposed Order)(Wolverton, Caroline) (Filed on 6/30/2009) (Entered: 06/30/2009)
06/30/2009	29	MOTION to Dismiss filed by Central Intelligence Agency, Robert M. Gates, Pete Geren, Michael V. Hayden, Michael B. Mukasey, United States Department of Defense, United States Department of the Army, United States of America. Motion Hearing set for 9/24/2009 02:00 PM in Courtroom 2, 4th Floor, Oakland. (Attachments: # 1 Affidavit Declaration of Kimberly J. Albers, # 2 Affidavit Declaration of Paul Weiss, # 3 Affidavit Declaration of Ema Lima, # 4 Affidavit Declaration of Clyde Bennett, # 5 Proposed Order) (Wolverton, Caroline) (Filed on 6/30/2009) (Entered: 06/30/2009)
07/06/2009	30	Statement of Non-Opposition to <i>Defendants' Motion to File Privacy-Act Covered Records Under Seal</i> filed by David C. Dufrane, Wray C. Forrest, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Vietnam Veterans of America. (Erspamer, Gordon) (Filed on 7/6/2009) (Entered: 07/06/2009)
07/24/2009	31	AMENDED COMPLAINT (<i>FIRST</i>) against Central Intelligence Agency, Robert M. Gates, Pete Geren, Michael V. Hayden, Michael B. Mukasey, United States Department of Defense, United States Department of the Army, United States of America. Filed by Eric P. Muth, Bruce Price, Vietnam Veterans of America, Wray C. Forrest, Larry Meirow, Franklin D. Rochelle, David C. Dufrane. (Attachments: # 1 Exhibit A, # 2 Exhibit B-1, # 3 Exhibit

		B-2, # 4 Exhibit B-3, # 5 Exhibit B-4, # 6 Exhibit C)(Erspamer, Gordon) (Filed on 7/24/2009) (Entered: 07/24/2009)
07/31/2009	32	STIPULATION to Extend Time to Respond to First Am. Compl., to Enter Briefing Sch. and to Continue Initial Case Management Conference by Central Intelligence Agency, Robert M. Gates, Pete Geren, Michael V. Hayden, Eric H. Holder, Jr, Michael B. Mukasey, Leon Panetta, United States Department of Defense, United States Department of the Army, United States of America, David C. Dufrane, Wray C. Forrest, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares, Veterans Rights Organization, Vietnam Veterans of America. (Wolverton, Caroline) (Filed on 7/31/2009) Modified on 8/3/2009 (cp, COURT STAFF). (Entered: 07/31/2009)
08/04/2009	33	ORDER re 32 granting STIPULATION to Extend Time to Respond to First Am. Compl., to Enter Briefing Sch. and to Continue Initial Case Management Conference. Initial Case Management Conference set for 10/29/2009 02:00 PM. Motion Hearing set for 10/29/2009 02:00 PM.. Signed by Judge Claudia Wilken on 8/4/09. (scc, COURT STAFF) (Filed on 8/4/2009) (Entered: 08/04/2009)
08/14/2009	34	MOTION to Dismiss <i>First Amended Complaint</i> filed by Central Intelligence Agency, Robert M. Gates, Pete Geren, Michael V. Hayden, Eric H. Holder, Jr, Michael B. Mukasey, Leon Panetta, United States Department of Defense, United States Department of the Army, United States of America. Motion Hearing set for 10/29/2009 02:00 PM in Courtroom 2, 4th Floor, Oakland. (Attachments: # 1 Affidavit Albers Declaration, # 2 Affidavit Weiss Declaration, # 3 Affidavit Lima Declaration, # 4 Affidavit Bennett Declaration, # 5 Proposed Order)(Wolverton, Caroline) (Filed on 8/14/2009) (Entered: 08/14/2009)
08/19/2009	35	MOTION Administrative Relief Pursuant To Local Rule 7-11 Regarding Defendants' Failure To Comply With Local Rule 79-5 filed by David C. Dufrane, Wray C. Forrest, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares, Veterans Rights Organization, Vietnam Veterans of America. (Erspamer, Gordon) (Filed on 8/19/2009) (Entered: 08/19/2009)
08/19/2009	36	Declaration of ADRIANO HRVATIN in Support of 35 MOTION Administrative Relief Pursuant To Local Rule 7-11 Regarding Defendants' Failure To Comply With Local Rule 79-5 filed by David C. Dufrane, Wray C. Forrest, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares, Veterans Rights Organization, Vietnam Veterans of America. (Related document(s) 35) (Erspamer, Gordon) (Filed on 8/19/2009) (Entered: 08/19/2009)
08/19/2009	37	Proposed Order re 35 MOTION Administrative Relief Pursuant To Local Rule 7-11 Regarding Defendants' Failure To Comply With Local Rule 79-5 by David C. Dufrane, Wray C. Forrest, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares, Veterans Rights Organization, Vietnam Veterans of America. (Erspamer, Gordon) (Filed on 8/19/2009) (Entered: 08/19/2009)

08/24/2009	38	Memorandum in Opposition re 35 MOTION Administrative Relief Pursuant To Local Rule 7-11 Regarding Defendants' Failure To Comply With Local Rule 79-5 filed by Central Intelligence Agency, Robert M. Gates, Pete Geren, Michael V. Hayden, Eric H. Holder, Jr, Michael B. Mukasey, Leon Panetta, United States Department of Defense, United States Department of the Army, United States of America. (Attachments: # 1 Affidavit Declaration of Caroline Lewis Wolverton, # 2 Proposed Order)(Wolverton, Caroline) (Filed on 8/24/2009) (Entered: 08/24/2009)
08/31/2009	39	ORDER by Judge Claudia Wilken denying without prejudice 28 Motion to Seal Document ; denying as moot 29 Motion to Dismiss; granting 35 MOTION Administrative Relief Pursuant To Local Rule 7-11 Regarding Defendants' Failure To Comply With Local Rule 79-5 (scc, COURT STAFF) (Filed on 8/31/2009) (Entered: 08/31/2009)
09/02/2009	40	MOTION to Seal Document filed by Central Intelligence Agency, Robert M. Gates, Pete Geren, Michael V. Hayden, Eric H. Holder, Jr, Michael B. Mukasey, Leon Panetta, United States Department of Defense, United States Department of the Army, United States of America. (Attachments: # 1 Signature Page (Declarations/Stipulations) Stipulation, # 2 Affidavit Declaration of Caroline Lewis Wolverton, # 3 Proposed Order)(Wolverton, Caroline) (Filed on 9/2/2009) (Entered: 09/02/2009)
09/02/2009	45	ATTACHMENTS to the declarations of Kimberly J. Albers, Paul Weiss, Ena Lima, Clyde Bennett re defendants' motion to dismiss first amended complaint filed by Central Intelligence Agency, Robert M. Gates, Eric H. Holder, Jr, Leon Panetta, United States Department of Defense, United States Department of the Army, United States of America. (cp, COURT STAFF) (Filed on 9/2/2009) ***FILED UNDER SEAL*** (Entered: 10/08/2009)
09/10/2009	41	<i>Stipulation and [Proposed] Order Extending Briefing and Hearing Schedule on Defendants Motion to Dismiss First Amended Complaint and to Continue Initial Case Management Conference</i> by David C. Dufrane, Wray C. Forrest, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares, Veterans Rights Organization, Vietnam Veterans of America, United States of America, United States of Department of the Army, United States Department of Defense. (Attachments: # 1 Affidavit Declaration of Adriano Hrvatin in Support of Stipulation and [Proposed] Order Extending Briefing and Hearing Schedule on Defendants Motion to Dismiss First Amended Complaint and to Continue Initial Case Management Conference) (Erspamer, Gordon) (Filed on 9/10/2009) Modified on 9/11/2009 (cp, COURT STAFF). (Entered: 09/10/2009)
09/15/2009	42	ORDER granting re 41 Stipulation Extending Briefing And Hearing Scheduled ON Defendants' Motion to Dismiss First Amended Complaint and Initial Case Management Conference,, filed by Eric P. Muth, Larry Meirow, United States Department of Defense, Leon Panetta, United States Department of the Army, Eric H. Holder, Jr., David C. Dufrane, Franklin D. Rochelle,

		Bruce Price, United States of America, Swords to Plowshares, Vietnam Veterans of America, Robert M. Gates, Wray C. Forrest, Pete Geren, Veterans Rights Organization Initial Case Management Conference set for 11/12/2009 02:00 PM. Motion Hearing set for 11/12/2009 02:00 PM in Courtroom 2, 4th Floor, Oakland. Plaintiffs' opposition due: 10/2/09; Defendants' reply due: 10/23/09.. Signed by Judge Claudia Wilken on 9/14/09. (fj, COURT STAFF) (Filed on 9/15/2009) (Entered: 09/15/2009)
10/02/2009	43	Memorandum in Opposition re 34 MOTION to Dismiss <i>First Amended Complaint</i> filed by David C. Dufrane, Wray C. Forrest, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares, Veterans Rights Organization, Vietnam Veterans of America. (Erspamer, Gordon) (Filed on 10/2/2009) Modified on 10/5/2009 (cp, COURT STAFF). (Entered: 10/02/2009)
10/07/2009	44	ORDER by Judge Claudia Wilken granting 40 Motion to Seal Document (scc, COURT STAFF) (Filed on 10/7/2009) (Entered: 10/07/2009)
10/19/2009	46	Certificate of Interested Entities by David C. Dufrane, Wray C. Forrest, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares, Veterans Rights Organization, Vietnam Veterans of America <i>Plaintiff Swords to Plowshares: Veterans Rights Organization's Corporate Disclosure Statement and Certification of Interested Entities or Persons</i> (Erspamer, Gordon) (Filed on 10/19/2009) (Entered: 10/19/2009)
10/23/2009	47	Reply in support of re 34 MOTION to Dismiss <i>First Amended Complaint</i> filed by Central Intelligence Agency, Robert M. Gates, Pete Geren, Michael V. Hayden, Eric H. Holder, Jr, Michael B. Mukasey, Leon Panetta, United States Department of Defense, United States Department of the Army, United States of America. (Attachments: # 1 Exhibit Army Reg. 40-400, ch. 3 (2008), # 2 Exhibit Army Reg. 70-25 (1962), # 3 Exhibit Army Reg. 70-25 (1990)) (Wolverton, Caroline) (Filed on 10/23/2009) Modified on 10/26/2009 (cp, COURT STAFF). (Entered: 10/23/2009)
10/28/2009	48	Stipulation and [Proposed] Order Continuing Hearing on Defendants' 34 MOTION to Dismiss <i>First Amended Complaint and Initial Case Management Conference</i> by David C. Dufrane, Wray C. Forrest, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares, Veterans Rights Organization, Vietnam Veterans of America, Central Intelligence Agency, et al. (Erspamer, Gordon) (Filed on 10/28/2009) Modified on 10/29/2009 (cp, COURT STAFF). (Entered: 10/28/2009)
10/28/2009	49	Declaration of Adriano Hrvatin in Support of 48 Stipulation, and [Proposed] <i>Order Continuing Hearing on Defendants' Motion to Dismiss First Amended Complaint and Initial Case Management Conference</i> filed by David C. Dufrane, Wray C. Forrest, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares, Veterans Rights Organization, Vietnam Veterans of America. (Related document(s) 48) (Erspamer, Gordon) (Filed on 10/28/2009) (Entered: 10/28/2009)
10/29/2009	50	ORDER re 48 GRANTING Stipulation Continuing Hearing on Defendants' 34 MOTION to Dismiss First Amended Complaint and Initial Case Management

		Conference. Case Management Conference set for 12/3/2009 02:00 PM. Motion Hearing set for 12/3/2009 02:00 PM.. Signed by Judge CLAUDIA WILKEN on 10/29/09. (scc, COURT STAFF) (Filed on 10/29/2009) (Entered: 10/29/2009)
11/30/2009	51	Updated Initial Joint Case Management Statement filed by David C. Dufrane, Wray C. Forrest, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares, Veterans Rights Organization, Vietnam Veterans of America, Central Intelligence Agency, Robert M. Gates, Pete Geren, Eric H. Holder, Jr, Leon Panetta, United States Department of Defense, United States Department of the Army, United States of America. (Erspamer, Gordon) (Filed on 11/30/2009) Modified on 12/1/2009 (vlk, COURT STAFF). (Entered: 11/30/2009)
12/03/2009	52	Minute Entry: Motion Hearing held on 12/3/2009 before Claudia Wilken (Date Filed: 12/3/2009) re 34 MOTION to Dismiss <i>First Amended Complaint</i> filed by United States Department of Defense, Leon Panetta, United States Department of the Army, Eric H. Holder, Jr., Central Intelligence Agency, Michael B. Mukasey, United States of America, Michael V. Hayden, Robert M. Gates, Pete Geren, Initial Case Management Conference held on 12/3/2009 before Claudia Wilken (Date Filed: 12/3/2009). (Court Reporter Diane Skillman.) (scc, COURT STAFF) (Date Filed: 12/3/2009) (Entered: 12/16/2009)
12/17/2009	53	AMENDED COMPLAINT <i>Second Amended Complaint for Declaratory and Injunctive Relief Under United States Constitution and Federal Statutes</i> against Central Intelligence Agency, Robert M. Gates, Pete Geren, Michael V. Hayden, Eric H. Holder, Jr, Michael B. Mukasey, Leon Panetta, United States Department of Defense, United States Department of the Army, United States of America. Filed by Bruce Price, Vietnam Veterans of America, Veterans Rights Organization, Franklin D. Rochelle, Eric P. Muth, Swords to Plowshares, Wray C. Forrest, Larry Meirow, David C. Dufrane. (Attachments: # 1 Exhibit Exh. A, # 2 Exhibit Exh. B, # 3 Exhibit Exh. C)(Erspamer, Gordon) (Filed on 12/17/2009) (Entered: 12/17/2009)
12/23/2009	54	MINUTE ORDER AND CASE MANAGEMENT ORDER: ORDER REFERRING CASE to Magistrate Judge for Settlement. Bench Trial set for 3/26/2012 08:30 AM. Further Case Management Conference set for 1/5/2012 02:00 PM. Motion Hearing set for 1/5/2012 02:00 PM. Pretrial Conference set for 3/13/2012 02:00 PM.. Signed by Judge Claudia Wilken on 12/23/09. (scc, COURT STAFF) (Filed on 12/23/2009) (Entered: 12/23/2009)
12/28/2009		CASE REFERRED to Magistrate Judge Magistrate Judge Elizabeth D. Laporte for Settlement (wh, COURT STAFF) (Filed on 12/28/2009) (Entered: 12/28/2009)
12/31/2009	55	NOTICE OF SETTLEMENT CONFERENCE AND ORDER - Settlement Conference set for 3/19/2010 09:30 AM in Courtroom E, 15th Floor, San Francisco. Signed by Judge Elizabeth D. Laporte on 12/31/09. (lmh, COURT STAFF) (Filed on 12/31/2009) (Entered: 12/31/2009)
01/05/2010	56	NOTICE of Appearance by Kimberly L. Herb (Herb, Kimberly) (Filed on

		1/5/2010) (Entered: 01/05/2010)
01/05/2010	57	MOTION to Dismiss <i>Second Amended Complaint, or in the alternative, for summary judgment</i> filed by Central Intelligence Agency, Robert M. Gates, Pete Geren, Michael V. Hayden, Eric H. Holder, Jr, Michael B. Mukasey, Leon Panetta, United States Department of Defense, United States Department of the Army, United States of America. Motion Hearing set for 2/25/2010 02:00 PM in Courtroom 2, 4th Floor, Oakland. (Attachments: # 1 Exhibit Army Reg 40-400 ch. 3 (2008), # 2 Exhibit Army Reg 70-25 (1962), # 3 Exhibit Army Reg 70-25 (1990), # 4 Affidavit Albers Declaration, # 5 Affidavit Weiss Declaration, # 6 Affidavit Lima Declaration, # 7 Affidavit Bennett Declaration, # 8 Proposed Order)(Wolverton, Caroline) (Filed on 1/5/2010) Modified on 1/6/2010 (cp, COURT STAFF). (Entered: 01/05/2010)
01/08/2010	58	CLERKS NOTICE TAKING MOTION UNDER SUBMISSION. 2/25/10 hearing is vacated. (scc, COURT STAFF) (Filed on 1/8/2010) (Entered: 01/08/2010)
01/19/2010	59	ORDER by Judge Claudia Wilken GRANTING IN PART AND DENYING IN PART 34 Defendants' Motion to Dismiss First Amended Complaint and GRANTING IN PART AND DENYING IN PART 57 Defendants' Second Motion to Dismiss Second Amended Complaint (cwl2, COURT STAFF) (Filed on 1/19/2010) (Entered: 01/19/2010)
01/27/2010	60	MOTION for Extension of Time to File Answer filed by Central Intelligence Agency, Robert M. Gates, Pete Geren, Michael V. Hayden, Eric H. Holder, Jr, Michael B. Mukasey, Leon Panetta, United States Department of Defense, United States Department of the Army, United States of America. (Attachments: # 1 Declaration, # 2 Proposed Order, # 3 Exhibit A, # 4 Exhibit B)(Herb, Kimberly) (Filed on 1/27/2010) (Entered: 01/27/2010)
02/01/2010	61	MEMORANDUM in Opposition re 60 MOTION for Extension of Time to File Answer filed by David C. Dufrane, Wray C. Forrest, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares, Veterans Rights Organization, Vietnam Veterans of America. (Related document(s) 60) (Erspamer, Gordon) (Filed on 2/1/2010) (Entered: 02/01/2010)
02/01/2010	62	Declaration of Adriano Hrvatin in Support of 61 Memorandum in Opposition, <i>to Defendants' Motion to Enlarge Time to File Answer</i> filed by David C. Dufrane, Wray C. Forrest, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares, Veterans Rights Organization, Vietnam Veterans of America. (Related document(s) 61) (Erspamer, Gordon) (Filed on 2/1/2010) (Entered: 02/01/2010)
02/02/2010	63	Errata Letter to Judge Wilken re 61 Memorandum in Opposition, by David C. Dufrane, Wray C. Forrest, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares, Veterans Rights Organization, Vietnam Veterans of America. (Erspamer, Gordon) (Filed on 2/2/2010) Modified on 2/3/2010 (cp, COURT STAFF). (Entered: 02/02/2010)
02/02/2010	64	ORDER by Judge Claudia Wilken granting in part 60 DEFENDANTS MOTION TO EXTEND TIME TO ANSWER PLAINTIFFS SECOND AMENDED COMPLAINT (scc, COURT STAFF) (Filed on 2/2/2010)

		(Entered: 02/02/2010)
02/18/2010	65	STIPULATION and (Proposed) Order to <i>Extend Time to Respond to Discovery Requests and Produce Documents</i> by Central Intelligence Agency, Robert M. Gates, Pete Geren, Michael V. Hayden, Eric H. Holder, Jr, Michael B. Mukasey, Leon Panetta, United States Department of Defense, United States Department of the Army, United States of America, Vietnam Veterans of America, Veterans Rights Organization, et al. (Attachments: # 1 Declaration)(Herb, Kimberly) (Filed on 2/18/2010) Modified on 2/19/2010 (cp, COURT STAFF). (Entered: 02/18/2010)
02/23/2010	66	ORDER re 65 granting STIPULATION to Extend Time to Respond to Discovery Requests and Produce Documents. Signed by Judge Claudia Wilken on 2/23/10. (scc, COURT STAFF) (Filed on 2/23/2010) (Entered: 02/23/2010)
03/08/2010	67	ORDER EXCUSING ATTENDANCE AT SETTLEMENT CONFERENCE. Signed by Magistrate Judge Elizabeth D. Laporte on March 8, 2010. (edllc2, COURT STAFF) (Filed on 3/8/2010) (Entered: 03/08/2010)
03/11/2010	68	** PLEASE DISREGARD AND SEE DOCUMENT 69 ** CLERKS NOTICE RESETTING Settlement Conference to 10:00 AM on 3/16/2010 before Judge Laporte in Courtroom E, 15th Floor, San Francisco. (lmh, COURT STAFF) (Filed on 3/11/2010) (Entered: 03/11/2010)
03/11/2010	69	CLERKS NOTICE RESETTING Settlement Conference to 10:00 AM on 3/19/2010 before Judge Laporte in Courtroom E, 15th Floor, San Francisco. (lmh, COURT STAFF) (Filed on 3/11/2010) (Entered: 03/11/2010)
03/12/2010	70	STIPULATION and (Proposed) Order to <i>Extend Time to File Answer</i> by Central Intelligence Agency, Robert M. Gates, Pete Geren, Michael V. Hayden, Eric H. Holder, Jr, Michael B. Mukasey, Leon Panetta, United States Department of Defense, United States Department of the Army, United States of America, Vietnam Veterans of America, Veterans Rights Organization, et al. (Attachments: # 1 Declaration of Kimberly L. Herb)(Herb, Kimberly) (Filed on 3/12/2010) Modified on 3/15/2010 (cp, COURT STAFF). (Entered: 03/12/2010)
03/17/2010	71	ANSWER to Amended Complaint by Central Intelligence Agency, Robert M. Gates, Pete Geren, Michael V. Hayden, Eric H. Holder, Jr, Michael B. Mukasey, Leon Panetta, United States Department of Defense, United States Department of the Army, United States of America. (Herb, Kimberly) (Filed on 3/17/2010) (Entered: 03/17/2010)
03/19/2010	102	Minute Entry: Settlement Conference held with Judge Laporte on 3/19/2010. (lmh, COURT STAFF) (Date Filed: 3/19/2010) (Entered: 06/18/2010)
03/23/2010	72	ORDER re 70 granting Stipulation to Extend Time to File Answer. Signed by Judge Claudia Wilken on 03/23/2010. (scc, COURT STAFF) (Filed on 3/23/2010) (Entered: 03/23/2010)
04/07/2010	73	STIPULATION <i>Regarding Confidential Settlement Discussions; and (Proposed) Order</i> by David C. Dufrane, Wray C. Forrest, Larry Meiorow, Eric

		P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares, Veterans Rights Organization, Vietnam Veterans of America, Central Intelligence Agency, Eric H. Holder, Jr., United States Department of Defense, United States Department of the Army, United States of America, Robert M. Gates, Pete Geren, Leon Panetta. (Erspamer, Gordon) (Filed on 4/7/2010) Modified on 4/8/2010 (cp, COURT STAFF). (Entered: 04/07/2010)
04/07/2010	74	<i>Amended ANSWER</i> to Amended Complaint by Central Intelligence Agency, Robert M. Gates, Pete Geren, Michael V. Hayden, Eric H. Holder, Jr, Michael B. Mukasey, Leon Panetta, United States Department of Defense, United States Department of the Army, United States of America. (Herb, Kimberly) (Filed on 4/7/2010) (Entered: 04/07/2010)
04/12/2010	75	STIPULATION AND ORDER AS MODIFIED re 73 Stipulation,, filed by Eric P. Muth, Larry Meirow, United States Department of Defense, Leon Panetta, United States Department of the Army, Eric H. Holder, Jr., David C. Dufrane, Central Intelligence Agency, Franklin D. Rochelle, Bruce Price, United States of America, Swords to Plowshares, Vietnam Veterans of America, Robert M. Gates, Wray C. Forrest, Pete Geren, Veterans Rights Organization. Signed by Magistrate Judge Elizabeth D. Laporte on April 8, 2010. (edllc2, COURT STAFF) (Filed on 4/12/2010) (Entered: 04/12/2010)
04/13/2010		Set/Reset Hearings: Further Settlement Conference set for 6/16/2010 09:30 AM before Magistrate Elizabeth D. Laporte (cp, COURT STAFF) (Filed on 4/13/2010) (Entered: 04/13/2010)
04/19/2010	76	MOTION to Compel <i>Responses to Interrogatories</i> filed by David C. Dufrane, Wray C. Forrest, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares, Veterans Rights Organization, Vietnam Veterans of America. (Erspamer, Gordon) (Filed on 4/19/2010) Modified on 4/20/2010 (cp, COURT STAFF). (Entered: 04/19/2010)
04/19/2010	77	<i>[Proposed] Order Granting Plaintiffs' Motion to Compel Responses to Interrogatories</i> filed by David C. Dufrane, Wray C. Forrest, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares, Veterans Rights Organization, Vietnam Veterans of America. (Erspamer, Gordon) (Filed on 4/19/2010) Modified on 4/20/2010 (cp, COURT STAFF). (Entered: 04/19/2010)
04/19/2010	78	Declaration of Cathleen E. Stadecker in Support of 76 MOTION to Compel <i>Responses to Interrogatories</i> filed by David C. Dufrane, Wray C. Forrest, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares, Veterans Rights Organization, Vietnam Veterans of America. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E, # 6 Exhibit F, # 7 Exhibit G, # 8 Exhibit H, # 9 Exhibit I, # 10 Exhibit J)(Related document(s) 76) (Erspamer, Gordon) (Filed on 4/19/2010) Modified on 4/20/2010 (cp, COURT STAFF). (Entered: 04/19/2010)
04/21/2010	79	ORDER REFERRING CASE to Magistrate Judge for Discovery purposes. Signed by Judge Claudia Wilken on 04/21/2010. (ndr, COURT STAFF) (Filed on 4/21/2010) (Entered: 04/21/2010)
04/21/2010		CASE REFERRED to Magistrate Judge Magistrate Judge James Larson for

		Discovery (wh, COURT STAFF) (Filed on 4/21/2010) (Entered: 04/21/2010)
04/23/2010	80	CLERKS NOTICE Motion Hearing set for 6/16/2010 09:30 AM in Courtroom F, 15th Floor, San Francisco. (wh, COURT STAFF) (Filed on 4/23/2010) (Entered: 04/23/2010)
04/27/2010	81	CLERKS NOTICE Continuing Motion Hearing Motion Hearing set for 6/30/2010 09:30 AM in Courtroom F, 15th Floor, San Francisco. (wh, COURT STAFF) (Filed on 4/27/2010) (Entered: 04/27/2010)
06/02/2010	82	Statement of Discovery Dispute Regarding Scope of Protective Order by David C. Dufrane, Wray C. Forrest, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares, Veterans Rights Organization, Vietnam Veterans of America. (Erspamer, Gordon) (Filed on 6/2/2010) (Entered: 06/02/2010)
06/02/2010	83	Proposed Order re 82 Statement, [Proposed] Protective Order Governing Discovery by David C. Dufrane, Wray C. Forrest, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares, Veterans Rights Organization, Vietnam Veterans of America. (Erspamer, Gordon) (Filed on 6/2/2010) (Entered: 06/02/2010)
06/02/2010	84	Statement of Discovery Dispute Regarding Plaintiff's Request for Production and 30(b)(6) Designations by David C. Dufrane, Wray C. Forrest, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares, Veterans Rights Organization, Vietnam Veterans of America. (Erspamer, Gordon) (Filed on 6/2/2010) (Entered: 06/02/2010)
06/02/2010	85	Statement of Discovery Dispute Regarding Defendants' Privilege Log by David C. Dufrane, Wray C. Forrest, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares, Veterans Rights Organization, Vietnam Veterans of America. (Erspamer, Gordon) (Filed on 6/2/2010) (Entered: 06/02/2010)
06/03/2010	86	ORDER EXCUSING ATTENDANCE AT SETTLEMENT CONFERENCE. Signed by Magistrate Judge Elizabeth D. Laporte on June 3, 2010. (edllc2, COURT STAFF) (Filed on 6/3/2010) (Entered: 06/03/2010)
06/07/2010	87	Notice of Motion & Motion for Leave to File Third Amended Complaint filed by David C. Dufrane, Wray C. Forrest, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares, Veterans Rights Organization, Vietnam Veterans of America. Motion Hearing set for 7/15/2010 02:00 PM in Courtroom 2, 4th Floor, Oakland. (Erspamer, Gordon) (Filed on 6/7/2010) Modified on 6/8/2010 (kc, COURT STAFF). (Entered: 06/07/2010)
06/07/2010	88	Memorandum of Points and Authorities in Support of 87 Plaintiffs' Motion for Leave to File Third Amended Complaint filed by David C. Dufrane, Wray C. Forrest, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares, Veterans Rights Organization, Vietnam Veterans of America. (Attachments: # 1 Exhibit A (Third Amended Complaint), # 2 Exhibit A (to Third Amended Complaint), # 3 Exhibit B (to Third Amended Complaint), # 4 Exhibit C (to Third Amended Complaint))(Erspamer, Gordon)

		(Filed on 6/7/2010) Modified on 6/8/2010 (kc, COURT STAFF). (Entered: 06/07/2010)
06/07/2010	89	Declaration of Gordon P. Erspamer in Support of 87 Plaintiffs' Motion for Leave to File Third Amended Complaint filed by David C. Dufrane, Wray C. Forrest, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares, Veterans Rights Organization, Vietnam Veterans of America. (Erspamer, Gordon) (Filed on 6/7/2010) Modified on 6/8/2010 (kc, COURT STAFF). (Entered: 06/07/2010)
06/07/2010	90	Proposed Order Granting 87 Plaintiffs' Motion for Leave to File Third Amended Complaint filed by David C. Dufrane, Wray C. Forrest, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares, Veterans Rights Organization, Vietnam Veterans of America. (Erspamer, Gordon) (Filed on 6/7/2010) Modified on 6/8/2010 (kc, COURT STAFF). (Entered: 06/07/2010)
06/08/2010	91	Statement by Plaintiffs of Discovery Dispute Regarding Department of Veterans Affairs' Inadequate Privilege Log by David C. Dufrane, Wray C. Forrest, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares, Veterans Rights Organization, Vietnam Veterans of America. (Attachments: # 1 Affidavit Certificate of Service on Department of Veterans Affairs)(Erspamer, Gordon) (Filed on 6/8/2010) (Entered: 06/08/2010)
06/09/2010	92	NOTICE of Appearance by Lily Sara Farel (Farel, Lily) (Filed on 6/9/2010) (Entered: 06/09/2010)
06/09/2010	93	RESPONSE to 84 Statement of Discovery Regarding Requests for Production of Documents and Rule 30(b)(6) Notice by Central Intelligence Agency, Robert M. Gates, Pete Geren, Michael V. Hayden, Eric H. Holder, Jr, Michael B. Mukasey, Leon Panetta, United States Department of Defense, United States Department of the Army, United States of America. (Wolverton, Caroline) (Filed on 6/9/2010) Modified on 6/10/2010 (kc, COURT STAFF). (Entered: 06/09/2010)
06/09/2010	94	RESPONSE to 82 Statement of Discovery Dispute Regarding Plaintiffs' Proposed Protective Order by Central Intelligence Agency, Robert M. Gates, Pete Geren, Michael V. Hayden, Eric H. Holder, Jr, Michael B. Mukasey, Leon Panetta, United States Department of Defense, United States Department of the Army, United States of America. (Wolverton, Caroline) (Filed on 6/9/2010) Modified on 6/10/2010 (kc, COURT STAFF). (Entered: 06/09/2010)
06/09/2010	95	RESPONSE to 85 Statement of Discovery Dispute Regarding Defendants' Privilege Log by Central Intelligence Agency, Robert M. Gates, Pete Geren, Michael V. Hayden, Eric H. Holder, Jr, Michael B. Mukasey, Leon Panetta, United States Department of Defense, United States Department of the Army, United States of America. (Wolverton, Caroline) (Filed on 6/9/2010) Modified on 6/10/2010 (kc, COURT STAFF). (Entered: 06/09/2010)
06/09/2010	96	RESPONSE to 76 MOTION to Compel Responses to Interrogatories filed by Central Intelligence Agency, Robert M. Gates, Pete Geren, Michael V.

		Hayden, Eric H. Holder, Jr, Michael B. Mukasey, Leon Panetta, United States Department of Defense, United States Department of the Army, United States of America. (Attachments: # 1 Declaration of Kimberly L. Herb, # 2 Exhibit A to Herb Decl., # 3 Exhibit B to Herb Decl., # 4 Exhibit C to Herb Decl., # 5 Exhibit D to Herb Decl., # 6 Exhibit E to Herb Decl., # 7 Exhibit F to Herb Decl., # 8 Exhibit G to Herb Decl., # 9 Exhibit H to Herb Decl., # 10 Exhibit I to Herb Decl., # 11 Exhibit J to Herb Decl., # 12 Exhibit K to Herb Decl., # 13 Exhibit L to Herb Decl.)(Herb, Kimberly) (Filed on 6/9/2010) Modified on 6/10/2010 (kc, COURT STAFF). (Entered: 06/09/2010)
06/10/2010	97	*** FILED IN ERROR. PLEASE SEE DOCKET # 98 . *** RESPONSE to re 91 Statement, of <i>Discovery Dispute Regarding Department of Veterans Affairs Privilege Log</i> by Central Intelligence Agency, Robert M. Gates, Pete Geren, Michael V. Hayden, Eric H. Holder, Jr, Michael B. Mukasey, Leon Panetta, United States Department of Defense, United States Department of the Army, United States of America. (Wolverton, Caroline) (Filed on 6/10/2010) Modified on 6/11/2010 (ewn, COURT STAFF). (Entered: 06/10/2010)
06/10/2010	98	RESPONSE to re 91 Statement, of <i>Discovery Dispute Regarding Department of Veterans Affairs Privilege Log</i> by Department of Veterans Affairs. (Wolverton, Caroline) (Filed on 6/10/2010) (Entered: 06/10/2010)
06/11/2010	99	ERRATA <i>Plaintiffs' Notice of Errata</i> by David C. Dufrane, Wray C. Forrest, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares, Veterans Rights Organization, Vietnam Veterans of America. (Erspamer, Gordon) (Filed on 6/11/2010) (Entered: 06/11/2010)
06/16/2010	100	Reply Memorandum re 76 MOTION to Compel <i>Responses to Interrogatories</i> filed by David C. Dufrane, Wray C. Forrest, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares, Veterans Rights Organization, Vietnam Veterans of America. (Erspamer, Gordon) (Filed on 6/16/2010) (Entered: 06/16/2010)
06/16/2010	101	<i>STATEMENT OF DISCOVERY DISPUTE: OPPOSITION TO DEFENDANTS REQUEST FOR ORDER STAYING DISCOVERY AND LIMITING SCOPE OF DISCOVERY</i> by David C. Dufrane, Wray C. Forrest, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares, Veterans Rights Organization, Vietnam Veterans of America. (Erspamer, Gordon) (Filed on 6/16/2010) Modified on 6/17/2010 (cp, COURT STAFF). (Entered: 06/16/2010)
06/16/2010	103	Minute Entry: Further Settlement Conference held with Judge Laporte on 6/16/2010). Parties exchanging further proposals prior to the Further Settlement Conference set for 9/17/2010 09:30 AM in Courtroom E, 15th Floor, San Francisco. (lmh, COURT STAFF) (Date Filed: 6/16/2010) Modified on 6/21/2010 (cp, COURT STAFF). (Entered: 06/18/2010)
06/22/2010	104	<i>Plaintiffs' Individual Statement Regarding Leave to Serve Interrogatories Exceeding 25 in Number</i> by David C. Dufrane, Wray C. Forrest, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares, Veterans Rights Organization, Vietnam Veterans of America.

		(Erspamer, Gordon) (Filed on 6/22/2010) Modified on 6/23/2010 (cp, COURT STAFF). (Entered: 06/22/2010)
06/24/2010	105	Memorandum in Opposition re 87 MOTION for Leave to File Third Amended Complaint filed by Central Intelligence Agency, Robert M. Gates, Pete Geren, Eric H. Holder, Jr, Leon Panetta, United States Department of Defense, United States Department of the Army, United States of America. (Attachments: # 1 Exhibit A, # 2 Exhibit B)(Farel, Lily) (Filed on 6/24/2010) (Entered: 06/24/2010)
06/28/2010	106	Statement in Opposition re 104 <i>Statement Regarding Leave to Serve Interrogatories Exceeding 25 in Number</i> by Central Intelligence Agency, Robert M. Gates, Pete Geren, Michael V. Hayden, Eric H. Holder, Jr, Michael B. Mukasey, Leon Panetta, United States Department of Defense, United States Department of the Army, United States of America. (Herb, Kimberly) (Filed on 6/28/2010) Modified on 6/29/2010 (cp, COURT STAFF). (Entered: 06/28/2010)
06/29/2010	107	MOTION for Extension of Time to File Response/Reply <i>and for Administrative Relief</i> filed by David C. Dufrane, Wray C. Forrest, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares, Veterans Rights Organization, Vietnam Veterans of America. (Erspamer, Gordon) (Filed on 6/29/2010) (Entered: 06/29/2010)
06/29/2010	108	Declaration of GORDON P. ERSPAMER in Support of 107 MOTION for Extension of Time to File Response/Reply <i>and for Administrative Relief</i> filed by David C. Dufrane, Wray C. Forrest, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares, Veterans Rights Organization, Vietnam Veterans of America. (Related document(s) 107) (Erspamer, Gordon) (Filed on 6/29/2010) (Entered: 06/29/2010)
06/29/2010	109	Proposed Order re 107 MOTION for Extension of Time to File Response/Reply <i>and for Administrative Relief</i> by David C. Dufrane, Wray C. Forrest, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares, Veterans Rights Organization, Vietnam Veterans of America. (Erspamer, Gordon) (Filed on 6/29/2010) (Entered: 06/29/2010)
06/30/2010	110	Minute Entry: Discovery Hearing held on 6/30/2010 before James Larson. Oral arguments heard, matter taken under submission. Parties are ordered to meet and confer today on all other issues. (Date Filed: 6/30/2010). (Court Reporter Lydia Zinn.) (fj, COURT STAFF) (Date Filed: 7/1/2010) Modified on 7/2/2010 (cp, COURT STAFF). (Entered: 07/01/2010)
07/01/2010	111	ORDER by Judge 7/1/2010 granting 107 Motion for Extension of Time to File Response/Reply (ndr, COURT STAFF) (Filed on 7/1/2010) (Entered: 07/01/2010)
07/01/2010		***Deadlines terminated. 111 Order on Motion for Extension of Time to File Response/Reply. (ndr, COURT STAFF) (Filed on 7/1/2010) (Entered: 07/01/2010)
07/02/2010		***Deadlines terminated. 6/30/2010 110 minutes (cp, COURT STAFF) (Filed on 7/2/2010) (Entered: 07/02/2010)

07/13/2010	112	ORDER by Judge James Larson Granting Plaintiff's Motion to Compel Responses to Interrogatories 76 Motion to Compel (jlsec, COURT STAFF) (Filed on 7/13/2010) (Entered: 07/13/2010)
07/15/2010	113	Reply Memorandum re 87 MOTION for Leave to File Third Amended Complaint filed by David C. Dufrane, Wray C. Forrest, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares, Veterans Rights Organization, Vietnam Veterans of America. (Attachments: # 1 Exhibit 1)(Erspamer, Gordon) (Filed on 7/15/2010) (Entered: 07/15/2010)
07/28/2010	114	NOTICE of Change In Counsel by Timothy W. Blakely (Blakely, Timothy) (Filed on 7/28/2010) (Entered: 07/28/2010)
08/02/2010	115	Joint Statement Regarding Discovery Dispute Over Protective Order and Plaintiff's Request for Sanctions by David C. Dufrane, Wray C. Forrest, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares, Veterans Rights Organization, Vietnam Veterans of America, Central Intelligence Agency, Department of Veterans Affairs, Robert M. Gates, Pete Green, Erick H. Holder, Jr., Leon Panetta, United States Department of Defense, United States Department of the Army, United States of America. (Erspamer, Gordon) (Filed on 8/2/2010) Modified on 8/3/2010 (kc, COURT STAFF). (Entered: 08/02/2010)
08/02/2010	116	[Proposed] Protective Order Governing Discovery by David C. Dufrane, Wray C. Forrest, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares, Veterans Rights Organization, Vietnam Veterans of America. (Erspamer, Gordon) (Filed on 8/2/2010) Modified on 8/3/2010 (kc, COURT STAFF). (Entered: 08/02/2010)
08/02/2010	117	STATUS REPORT <i>Regarding Meet and Confer and Defendants' Position Regarding Status Report</i> by David C. Dufrane, Wray C. Forrest, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares, Veterans Rights Organization, Vietnam Veterans of America. (Erspamer, Gordon) (Filed on 8/2/2010) Modified on 8/3/2010 (kc, COURT STAFF). (Entered: 08/02/2010)
08/02/2010	118	Joint Statement of Discovery Dispute Over Plaintiffs' Requests for Production and 30(b)(6) Document Collection Depositions and Plaintiffs' Request for Sanctions by David C. Dufrane, Wray C. Forrest, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares, Veterans Rights Organization, Vietnam Veterans of America, Central Intelligence Agency, Department of Veterans Affairs, Robert M. Gates, Pete Green, Erick H. Holder, Jr., Leon Panetta, United States Department of Defense, United States Department of the Army, United States of America. (Erspamer, Gordon) (Filed on 8/2/2010) Modified on 8/3/2010 (kc, COURT STAFF). (Entered: 08/02/2010)
08/06/2010	119	STATUS REPORT <i>Regarding Meet and Confer Process</i> by Central Intelligence Agency, Robert M. Gates, Pete Geren, Michael V. Hayden, Eric H. Holder, Jr, Michael B. Mukasey, Leon Panetta, United States Department of Defense, United States Department of the Army, United States of America. (Wolverton, Caroline) (Filed on 8/6/2010) (Entered: 08/06/2010)

08/06/2010	120	ORDER. Signed by Judge James Larson on 8/6/10. (jlsec, COURT STAFF) (Filed on 8/6/2010) (Entered: 08/06/2010)
08/19/2010	121	MOTION for Protective Order <i>and to Overrule Objections</i> filed by David C. Dufrane, Wray C. Forrest, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares, Veterans Rights Organization, Vietnam Veterans of America. Motion Hearing set for 9/29/2010 09:30 AM in Courtroom F, 15th Floor, San Francisco. (Erspamer, Gordon) (Filed on 8/19/2010) (Entered: 08/19/2010)
08/19/2010	122	Proposed Order re 121 MOTION for Protective Order <i>and to Overrule Objections</i> by David C. Dufrane, Wray C. Forrest, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares, Veterans Rights Organization. (Erspamer, Gordon) (Filed on 8/19/2010) (Entered: 08/19/2010)
08/19/2010	123	Declaration of Daniel J. Vecchio in Support of 121 MOTION for Protective Order <i>and to Overrule Objections</i> filed by David C. Dufrane, Wray C. Forrest, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares, Veterans Rights Organization, Vietnam Veterans of America. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E, # 6 Exhibit F, # 7 Exhibit G, # 8 Exhibit H-1, # 9 Exhibit H-2, # 10 Exhibit I, # 11 Exhibit J, # 12 Exhibit K, # 13 Exhibit L, # 14 Exhibit M) (Related document(s) 121) (Erspamer, Gordon) (Filed on 8/19/2010) Modified on 8/20/2010 (cp, COURT STAFF). (Entered: 08/19/2010)
08/23/2010	124	NOTICE of Appearance by Brigham John Bowen (Bowen, Brigham) (Filed on 8/23/2010) (Entered: 08/23/2010)
08/25/2010	125	MOTION to <i>Overrule Objections and Compel 30(b)(6) Depositions and Memorandum of Points and Authorities in Support Thereof</i> filed by David C. Dufrane, Wray C. Forrest, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares, Veterans Rights Organization, Vietnam Veterans of America. Motion Hearing set for 9/29/2010 09:30 AM. (Erspamer, Gordon) (Filed on 8/25/2010) Modified on 8/26/2010 (cp, COURT STAFF). (Entered: 08/25/2010)
08/25/2010	126	Declaration of Daniel J. Vecchio in Support of 125 MOTION to <i>Overrule Objections and Compel 30(b)(6) Depositions</i> filed by David C. Dufrane, Wray C. Forrest, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares, Veterans Rights Organization, Vietnam Veterans of America. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E, # 6 Exhibit F, # 7 Exhibit G, # 8 Exhibit H, # 9 Exhibit I, # 10 Exhibit J, # 11 Exhibit K, # 12 Exhibit L, # 13 Exhibit M, # 14 Exhibit N)(Related document(s) 125) (Erspamer, Gordon) (Filed on 8/25/2010) Modified on 8/26/2010 (cp, COURT STAFF). (Entered: 08/25/2010)
08/25/2010	127	Proposed Order re 125 MOTION to <i>Overrule Objections and Compel 30(b)(6) Depositions</i> by David C. Dufrane, Wray C. Forrest, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares, Veterans Rights Organization, Vietnam Veterans of America. (Erspamer, Gordon)

		(Filed on 8/25/2010) Modified on 8/26/2010 (cp, COURT STAFF). (Entered: 08/25/2010)
08/25/2010	128	MOTION to <i>Overrule Objections and Compel Production of Documents and Memorandum of Points and Authorities in Support Thereof</i> filed by David C. Dufrane, Wray C. Forrest, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares, Veterans Rights Organization, Vietnam Veterans of America. Motion Hearing set for 9/29/2010 09:30 AM. (Erspamer, Gordon) (Filed on 8/25/2010) Modified on 8/26/2010 (cp, COURT STAFF). (Entered: 08/25/2010)
08/25/2010	129	Declaration of Daniel J. Vecchio in Support of 128 MOTION to <i>Overrule Objections and Compel Production of Documents</i> filed by David C. Dufrane, Wray C. Forrest, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares, Veterans Rights Organization, Vietnam Veterans of America. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E, # 6 Exhibit F, # 7 Exhibit G, # 8 Exhibit H, # 9 Exhibit I, # 10 Exhibit J, # 11 Exhibit K, # 12 Exhibit L)(Related document (s) 128) (Erspamer, Gordon) (Filed on 8/25/2010) Modified on 8/26/2010 (cp, COURT STAFF). (Entered: 08/25/2010)
08/25/2010	130	Proposed Order re 128 MOTION to <i>Overrule Objections and Compel Production of Documents</i> by David C. Dufrane, Wray C. Forrest, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares, Veterans Rights Organization, Vietnam Veterans of America. (Erspamer, Gordon) (Filed on 8/25/2010) Modified on 8/26/2010 (cp, COURT STAFF). (Entered: 08/25/2010)
08/25/2010	131	MOTION for Sanctions filed by David C. Dufrane, Wray C. Forrest, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares, Veterans Rights Organization, Vietnam Veterans of America. Motion Hearing set for 9/29/2010 09:30 AM. (Erspamer, Gordon) (Filed on 8/25/2010) Modified on 8/26/2010 (cp, COURT STAFF). (Entered: 08/25/2010)
08/25/2010	132	Declaration of Daniel J. Vecchio in Support of 131 MOTION for Sanctions filed by David C. Dufrane, Wray C. Forrest, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares, Veterans Rights Organization, Vietnam Veterans of America. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E, # 6 Exhibit F, # 7 Exhibit G)(Related document(s) 131) (Erspamer, Gordon) (Filed on 8/25/2010) Modified on 8/26/2010 (cp, COURT STAFF). (Entered: 08/25/2010)
08/25/2010	133	Proposed Order re 131 MOTION for Sanctions by David C. Dufrane, Wray C. Forrest, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares, Veterans Rights Organization, Vietnam Veterans of America. (Erspamer, Gordon) (Filed on 8/25/2010) Modified on 8/26/2010 (cp, COURT STAFF). (Entered: 08/25/2010)
08/27/2010	134	MOTION for Protective Order <i>and Modification of Case Management Order</i> filed by Central Intelligence Agency, Robert M. Gates, Pete Geren, Michael

		V. Hayden, Eric H. Holder, Jr, Michael B. Mukasey, Leon Panetta, United States Department of Defense, United States Department of the Army, United States of America. Motion Hearing set for 10/7/2010 02:00 PM in Courtroom 2, 4th Floor, Oakland. (Attachments: # 1 Affidavit Declaration of Michael Kilpatrick, # 2 Affidavit Declaration of Patricia Cameresi, # 3 Affidavit Declaration of Caroline Lewis Wolverton, # 4 Proposed Order)(Wolverton, Caroline) (Filed on 8/27/2010) (Entered: 08/27/2010)
09/02/2010	135	Transcript of Proceedings held on 06/30/2010, before Judge James Larson. Court Reporter/Transcriber Lydia Zinn, Telephone number (415) 531-6587. Per General Order No. 59 and Judicial Conference policy, this transcript may be viewed only at the Clerks Office public terminal or may be purchased through the Court Reporter/Transcriber until the deadline for the Release of Transcript Restriction.After that date it may be obtained through PACER. Any Notice of Intent to Request Redaction, if required, is due no later than 5 business days from date of this filing. Release of Transcript Restriction set for 12/1/2010. (Zinn, Lydia) (Filed on 9/2/2010) Modified on 9/3/2010 (kc, COURT STAFF). (Entered: 09/02/2010)
09/07/2010	136	NOTICE OF CONTINUANCE AND ORDER - Further Settlement Conference set for 10/29/2010 09:30 AM in Courtroom E, 15th Floor, San Francisco. Signed by Judge Elizabeth D. Laporte on 9/7/2010. (lmh, COURT STAFF) (Filed on 9/7/2010) (Entered: 09/07/2010)
09/07/2010	137	MOTION - Unopposed Motion to Change Time filed by Central Intelligence Agency, Robert M. Gates, Pete Geren, Michael V. Hayden, Eric H. Holder, Jr, Michael B. Mukasey, Leon Panetta, United States Department of Defense, United States Department of the Army, United States of America. Motion Hearing set for 10/6/2010 09:30 AM in Courtroom F, 15th Floor, San Francisco. (Attachments: # 1 Proposed Order)(Bowen, Brigham) (Filed on 9/7/2010) Modified on 9/8/2010 (kc, COURT STAFF). (Entered: 09/07/2010)
09/09/2010	138	ORDER by Judge James Larson Granting Continuance of Hearing 137 Motion Granting (jlsec, COURT STAFF) (Filed on 9/9/2010) (Entered: 09/09/2010)
09/09/2010		Set/Reset Deadlines as to 125 MOTION to <i>Overrule Objections and Compel 30(b)(6) Depositions</i> MOTION to <i>Overrule Objections and Compel 30(b)(6) Depositions</i> , 121 MOTION for Protective Order <i>and to Overrule Objections</i> , 128 MOTION to <i>Overrule Objections and Compel Production of Documents</i> , 131 MOTION for Sanctions. Motion Hearing set for 10/6/2010 at 09:30 AM before Magistrate Judge James Larson. (kc, COURT STAFF) (Filed on 9/9/2010) (Entered: 09/10/2010)
09/15/2010	139	RESPONSE re 121 MOTION for Protective Order <i>and to Overrule Objections</i> filed by Central Intelligence Agency, Robert M. Gates, Pete Geren, Michael V. Hayden, Eric H. Holder, Jr, Leon Panetta, United States Department of Defense, United States Department of the Army, United States of America. (Attachments: # 1 Exhibit A: Letter from Plaintiffs' Counsel, # 2 Exhibit B: Proposed Protective Order)(Farel, Lily) (Filed on 9/15/2010) Modified on 9/16/2010 (cp, COURT STAFF). (Entered: 09/15/2010)
09/15/2010	140	MOTION for Protective Order <i>Limiting Scope of Discovery</i> filed by Central

		Intelligence Agency, Robert M. Gates, Pete Geren, Eric H. Holder, Jr, Leon Panetta, United States Department of Defense, United States Department of the Army, United States of America. Motion Hearing set for 10/27/2010 09:30 AM in Courtroom F, 15th Floor, San Francisco. (Attachments: # 1 Herb Declaration, # 2 Exhibit A to Herb Declaration, # 3 Exhibit B to Herb Declaration, # 4 Exhibit C to Herb Declaration, # 5 Exhibit D to Herb Declaration, # 6 Exhibit E to Herb Declaration, # 7 Exhibit F to Herb Declaration, # 8 Exhibit G to Herb Declaration, # 9 Exhibit H to Herb Declaration, # 10 Exhibit I to Herb Declaration, # 11 Exhibit J to Herb Declaration, # 12 Exhibit K to Herb Declaration, # 13 Exhibit L to Herb Declaration, # 14 Cameresi Declaration, # 15 Supplemental Cameresi Declaration, # 16 Kilpatrick Declaration and Exhibit 1, # 17 Roberts Declaration, # 18 Wiltison Declaration)(Herb, Kimberly) (Filed on 9/15/2010) (Entered: 09/15/2010)
09/15/2010	141	Proposed Order re 140 MOTION for Protective Order <i>Limiting Scope of Discovery</i> by Central Intelligence Agency, Robert M. Gates, Pete Geren, Eric H. Holder, Jr, Leon Panetta, United States Department of Defense, United States Department of the Army, United States of America. (Herb, Kimberly) (Filed on 9/15/2010) (Entered: 09/15/2010)
09/15/2010	142	Memorandum in Opposition re 125 MOTION to <i>Compel 30(b)(6) Depositions</i> filed by Central Intelligence Agency, Robert M. Gates, Pete Geren, Michael V. Hayden, Eric H. Holder, Jr, Michael B. Mukasey, Leon Panetta, United States Department of Defense, United States Department of the Army, United States of America. (Attachments: # 1 Affidavit Decl. of Michael Kilpatrick, # 2 Affidavit Decl. of Anthony Lee, # 3 Affidavit Decl. of Lloyd Roberts, # 4 Affidavit Decl. of Arnold Dupuy, # 5 Affidavit Decl. of Richard Wiltison, # 6 Affidavit Decl. of Patsy D'Eramo, Jr., # 7 Affidavit Decl. of Lt. Col. Raymond Laurel, # 8 Affidavit Decl. of Patricia Cameresi, # 9 Affidavit Suppl. Decl. of Patricia Cameresi, # 10 Affidavit Decl. of Brigham Bowen, # 11 Exhibit Bowen Decl. Ex. A, # 12 Exhibit Bowen Decl. Ex. B, # 13 Exhibit Bowen Decl. Ex. C, # 14 Exhibit Bowen Decl. Ex. D, # 15 Exhibit Bowen Decl. Ex. E, # 16 Exhibit Bowen Decl. Ex. F, # 17 Exhibit Bowen Decl. Ex. G, # 18 Exhibit Bowen Decl. Ex. H, # 19 Exhibit Bowen Decl. Ex. I, # 20 Exhibit Bowen Decl. Ex. J, # 21 Exhibit Bowen Decl. Ex. K, # 22 Exhibit Bowen Decl. Ex. L, # 23 Exhibit Bowen Decl. Ex. M, # 24 Proposed Order)(Bowen, Brigham) (Filed on 9/15/2010) Modified on 9/16/2010 (cp, COURT STAFF). (Entered: 09/15/2010)
09/15/2010	143	Memorandum in Opposition re 128 MOTION to <i>Overrule Objections and Compel Production of Documents</i> filed by Central Intelligence Agency, Robert M. Gates, Pete Geren, Michael V. Hayden, Eric H. Holder, Jr, Michael B. Mukasey, Leon Panetta, United States Department of Defense, United States Department of the Army, United States of America. (Attachments: # 1 Affidavit Declaration of Patricia Cameresi, # 2 Affidavit Declaration of Anthony Lee, # 3 Affidavit Declaration of Michael Kilpatrick, # 4 Affidavit Declaration of Lloyd Roberts, # 5 Affidavit Declaration of Patsy D'Eramo, # 6 Affidavit Declaration of Raymond Laurel, # 7 Affidavit Supplemental Declaration of Patricia Cameresi, # 8 Affidavit Declaration of Caroline Wolverton, part 1, # 9 Affidavit Wolverton Declaration, part 2, # 10 Affidavit

		Wolverton Declaration, part 3, # 11 Affidavit Wolverton Declaration, part 4, # 12 Affidavit Wolverton Declaration, part 5, # 13 Proposed Order)(Wolverton, Caroline) (Filed on 9/15/2010) (Entered: 09/15/2010)
09/15/2010	144	Memorandum in Opposition re 131 MOTION for Sanctions filed by Central Intelligence Agency, Robert M. Gates, Pete Geren, Michael V. Hayden, Eric H. Holder, Jr, Michael B. Mukasey, Leon Panetta, United States Department of Defense, United States Department of the Army, United States of America. (Wolverton, Caroline) (Filed on 9/15/2010) (Entered: 09/15/2010)
09/16/2010	145	<i>Declaration of Patricia Cameresi</i> filed by Central Intelligence Agency, Robert M. Gates, Pete Geren, Michael V. Hayden, Eric H. Holder, Jr, Michael B. Mukasey, Leon Panetta, United States Department of Defense, United States Department of the Army, United States of America. (Wolverton, Caroline) (Filed on 9/16/2010) Modified on 9/17/2010 (cp, COURT STAFF). (Entered: 09/16/2010)
09/16/2010	146	<i>Declaration of Anthony Lee</i> filed by Central Intelligence Agency, Robert M. Gates, Pete Geren, Michael V. Hayden, Eric H. Holder, Jr, Michael B. Mukasey, Leon Panetta, United States Department of Defense, United States Department of the Army, United States of America. (Wolverton, Caroline) (Filed on 9/16/2010) Modified on 9/17/2010 (cp, COURT STAFF). (Entered: 09/16/2010)
09/16/2010	147	<i>Declaration of Michael Kilpatrick</i> filed by Central Intelligence Agency, Robert M. Gates, Pete Geren, Michael V. Hayden, Eric H. Holder, Jr, Michael B. Mukasey, Leon Panetta, United States Department of Defense. (Wolverton, Caroline) (Filed on 9/16/2010) Modified on 9/17/2010 (cp, COURT STAFF). (Entered: 09/16/2010)
09/16/2010	148	<i>Declaration of Caroline Lewis Wolverton</i> in support of Opposition re 131 MOTION for Sanctions filed by Central Intelligence Agency, Robert M. Gates, Pete Geren, Michael V. Hayden, Eric H. Holder, Jr, Michael B. Mukasey, Leon Panetta, United States Department of Defense, United States Department of the Army, United States of America. (Attachments: # 1 Exhibit Exhibits part 1, # 2 Exhibit Exhibits part 2, # 3 Exhibit Exhibits part 3, # 4 Exhibit Exhibits part 4)(Wolverton, Caroline) (Filed on 9/16/2010) Modified on 9/17/2010 (cp, COURT STAFF). (Entered: 09/16/2010)
09/16/2010	149	Proposed Order re 131 MOTION for Sanctions by Central Intelligence Agency, Robert M. Gates, Pete Geren, Michael V. Hayden, Eric H. Holder, Jr, Michael B. Mukasey, Leon Panetta, United States Department of Defense, United States Department of the Army, United States of America. (Wolverton, Caroline) (Filed on 9/16/2010) (Entered: 09/16/2010)
09/16/2010	150	Amended Declaration of Caroline Lewis Wolverton in support of Opposition re 131 MOTION for Sanctions (<i>Amendment to 148</i>) by Central Intelligence Agency, Robert M. Gates, Pete Geren, Michael V. Hayden, Eric H. Holder, Jr, Michael B. Mukasey, Leon Panetta, United States Department of Defense, United States Department of the Army, United States of America. (Attachments: # 1 Exhibit Exhibits part 1, # 2 Exhibit Exhibits part 2, # 3 Exhibit Exhibits part 3, # 4 Exhibit Exhibits part 4, # 5 Exhibit Exhibits part 5)

		(Wolverton, Caroline) (Filed on 9/16/2010) Modified on 9/17/2010 (cp, COURT STAFF). (Entered: 09/16/2010)
09/16/2010	151	Memorandum in Opposition re 134 MOTION for Protective Order <i>and Modification of Case Management Order</i> filed by David C. Dufrane, Wray C. Forrest, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares, Veterans Rights Organization, Vietnam Veterans of America. (Erspamer, Gordon) (Filed on 9/16/2010) (Entered: 09/16/2010)
09/16/2010	152	Declaration of Gordon P. Erspamer in Support of 151 Memorandum in Opposition, filed by David C. Dufrane, Wray C. Forrest, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares, Veterans Rights Organization, Vietnam Veterans of America. (Attachments: # 1 Exhibit A)(Related document(s) 151) (Erspamer, Gordon) (Filed on 9/16/2010) (Entered: 09/16/2010)
09/21/2010	153	CLERKS NOTICE Continuing Motion Hearing Motion Hearing on Plaintiff's Motion For Protective Order 121 ; Motion to Compel Depositions 125 ; Motion to Compel Production of Documents 128 ; Motion for Sanctions 131 set for 10/27/2010 09:30 AM before the Honorable James Larson in Courtroom F, 15th Floor, San Francisco. (fj, COURT STAFF) (Filed on 9/21/2010) (Entered: 09/21/2010)
09/22/2010	154	Letter to Judge Wilken re ERRATA re 151 Memorandum in Opposition <i>to Defendants Motion for Protective Order Staying Further Discovery</i> by David C. Dufrane, Wray C. Forrest, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares, Veterans Rights Organization, Vietnam Veterans of America. (Erspamer, Gordon) (Filed on 9/22/2010) Modified on 9/23/2010 (cp, COURT STAFF). (Entered: 09/22/2010)
09/23/2010	155	Reply in Support re 134 MOTION for Protective Order <i>and Modification of Case Management Order</i> filed by Central Intelligence Agency, Robert M. Gates, Pete Geren, Michael V. Hayden, Eric H. Holder, Jr, Michael B. Mukasey, Leon Panetta, United States Department of Defense, United States Department of the Army, United States of America. (Wolverton, Caroline) (Filed on 9/23/2010) Modified on 9/24/2010 (vfk, COURT STAFF). (Entered: 09/23/2010)
09/30/2010	156	CLERKS NOTICE TAKING MOTION UNDER SUBMISSION. (ndr, COURT STAFF) (Filed on 9/30/2010) (Entered: 09/30/2010)
10/06/2010	157	Memorandum in Opposition re 140 MOTION for Protective Order <i>Limiting Scope of Discovery</i> filed by David C. Dufrane, Wray C. Forrest, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares, Veterans Rights Organization, Vietnam Veterans of America. (Erspamer, Gordon) (Filed on 10/6/2010) (Entered: 10/06/2010)
10/06/2010	158	Declaration of Gordon P. Erspamer in Support of 157 Memorandum in Opposition, filed by David C. Dufrane, Wray C. Forrest, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares, Veterans Rights Organization, Vietnam Veterans of America. (Attachments: # 1 Exhibit A to Erspamer Declaration, # 2 Exhibit B to Erspamer Declaration, # 3 Exhibit C to Erspamer Declaration, # 4 Exhibit D to Erspamer Declaration)(Related

		document(s) 157) (Erspamer, Gordon) (Filed on 10/6/2010) (Entered: 10/06/2010)
10/07/2010	159	ORDER by Judge Claudia Wilken DENYING 134 DEFENDANTS MOTION FOR A PROTECTIVE ORDER STAYING FURTHER DISCOVERY AND FOR A MODIFICATION OF THE CASE MANAGEMENT ORDER. (ndr, COURT STAFF) (Filed on 10/7/2010) (Entered: 10/07/2010)
10/13/2010	160	Reply Memorandum re 128 MOTION to <i>Overrule Objections and Compel Production of Documents</i> filed by David C. Dufrane, Wray C. Forrest, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares, Veterans Rights Organization, Vietnam Veterans of America. (Erspamer, Gordon) (Filed on 10/13/2010) (Entered: 10/13/2010)
10/13/2010	161	Declaration of Gordon P. Erspamer in Support of 160 Reply Memorandum filed by David C. Dufrane, Wray C. Forrest, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares, Veterans Rights Organization, Vietnam Veterans of America. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E, # 6 Exhibit F, # 7 Exhibit G, # 8 Exhibit H, # 9 Exhibit I, # 10 Exhibit J, # 11 Exhibit K, # 12 Exhibit L)(Related document(s) 160) (Erspamer, Gordon) (Filed on 10/13/2010) Modified on 10/14/2010 (cp, COURT STAFF). (Entered: 10/13/2010)
10/13/2010	162	Reply Memorandum re 125 MOTION to <i>Overrule Objections and Compel 30 (b)(6) Depositions</i> filed by David C. Dufrane, Wray C. Forrest, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares, Veterans Rights Organization, Vietnam Veterans of America. (Erspamer, Gordon) (Filed on 10/13/2010) Modified on 10/14/2010 (cp, COURT STAFF). (Entered: 10/13/2010)
10/13/2010	163	Reply Memorandum re 121 MOTION for Protective Order <i>and to Overrule Objections</i> filed by David C. Dufrane, Wray C. Forrest, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares, Veterans Rights Organization, Vietnam Veterans of America. (Erspamer, Gordon) (Filed on 10/13/2010) (Entered: 10/13/2010)
10/13/2010	164	Declaration of Timothy W. Blakely in Support of 163 Reply Memorandum, <i>in Support of Motion for Protective Order and to Overrule Objections</i> filed by David C. Dufrane, Wray C. Forrest, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares, Veterans Rights Organization, Vietnam Veterans of America. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C)(Related document(s) 163) (Erspamer, Gordon) (Filed on 10/13/2010) (Entered: 10/13/2010)
10/13/2010	165	<i>AMENDED Proposed Protective Order Governing Discovery</i> by David C. Dufrane, Wray C. Forrest, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares, Veterans Rights Organization, Vietnam Veterans of America. (Erspamer, Gordon) (Filed on 10/13/2010) Modified on 10/14/2010 (cp, COURT STAFF). (Entered: 10/13/2010)
10/13/2010	166	Reply in support of re 140 MOTION for Protective Order <i>Limiting Scope of Discovery</i> filed by Central Intelligence Agency, Robert M. Gates, Pete Geren,

		Eric H. Holder, Jr, Leon Panetta, United States Department of Defense, United States Department of the Army, United States of America. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E, # 6 Exhibit F, # 7 Exhibit G, # 8 Exhibit H, # 9 Kilpatrick Declaration, # 10 Cameresi Declaration, # 11 Roberts Declaration)(Herb, Kimberly) (Filed on 10/13/2010) Modified on 10/14/2010 (cp, COURT STAFF). (Entered: 10/13/2010)
10/13/2010	167	Declaration of Kimberly L. Herb in Support of 140 MOTION for Protective Order Limiting Scope of Discovery filed by Central Intelligence Agency, Robert M. Gates, Pete Geren, Eric H. Holder, Jr, Leon Panetta, United States Department of Defense, United States Department of the Army, United States of America. (Related document(s) 140) (Herb, Kimberly) (Filed on 10/13/2010) Modified on 10/14/2010 (cp, COURT STAFF). (Entered: 10/13/2010)
10/13/2010	168	REPLY in Support re 131 MOTION for Sanctions filed by David C. Dufrane, Wray C. Forrest, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares, Veterans Rights Organization, Vietnam Veterans of America. (Erspamer, Gordon) (Filed on 10/13/2010) Modified on 10/14/2010 (cp, COURT STAFF). (Entered: 10/13/2010)
10/20/2010	169	ORDER EXCUSING ATTENDANCE AT SETTLEMENT CONFERENCE. Signed by Magistrate Judge Elizabeth D. Laporte on October 20, 2010. (edllc2, COURT STAFF) (Filed on 10/20/2010) (Entered: 10/20/2010)
10/26/2010	170	Letter from Gordon P. Erspamer to Magistrate Judge Larson re Protective Order. (Attachments: # 1 Proposed Order [Proposed] Protective Order Governing Discovery)(Erspamer, Gordon) (Filed on 10/26/2010) (Entered: 10/26/2010)
10/26/2010	171	Amended Proposed Order re 128 MOTION to <i>Overrule Objections and Compel Production of Documents</i> by David C. Dufrane, Wray C. Forrest, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares, Veterans Rights Organization, Vietnam Veterans of America. (Erspamer, Gordon) (Filed on 10/26/2010) Modified on 10/27/2010 (cp, COURT STAFF). (Entered: 10/26/2010)
10/27/2010	172	Minute Entry: Motion Hearing held on 10/27/2010 before James Larson (Date Filed: 10/27/2010) re 128 MOTION to <i>Overrule Objections and Compel Production of Documents</i> filed by Eric P. Muth, Larry Meirow, Vietnam Veterans of America, 121 MOTION for Protective Order and to <i>Overrule Objections</i> filed by Eric P. Muth, Larry Meirow, Vietnam Veterans of America, 131 MOTION for Sanctions filed by Eric P. Muth, Larry Meirow, Vietnam Veterans of America, 140 MOTION for Protective Order <i>Limiting Scope of Discovery</i> filed by United States Department of Defense, 125 MOTION to <i>Overrule Objections and Compel 30(b)(6) Depositions</i> MOTION to <i>Overrule Objections and Compel 30(b)(6) Depositions</i> filed by Eric P. Muth, Larry Meirow, Vietnam Veterans of America, After hearing oral arguments, the matters are taken under submission. The Court will issue an order. (Court Reporter Kathy Wyatt.) (fj, COURT STAFF) (Date Filed: 10/27/2010) (Entered: 10/27/2010)

10/29/2010	173	Minute Entry: Further Settlement Conference with Judge Laporte held on 10/29/2010. (lmh, COURT STAFF) (Date Filed: 10/29/2010) (Entered: 10/29/2010)
10/29/2010	174	ORDER FOLLOWING SETTLEMENT CONFERENCE. Signed by Judge Elizabeth D. Laporte on 10/29/10. (lmh, COURT STAFF) (Filed on 10/29/2010) (Entered: 10/29/2010)
11/12/2010	175	NOTICE of Substitution of Counsel by Joshua Edward Gardner (Gardner, Joshua) (Filed on 11/12/2010) (Entered: 11/12/2010)
11/12/2010	176	ORDER by Judge James Larson Granting Plaintiffs' Motion for Protective Order and to Overrule Objections 121 Motion for Protective Order (jlsec, COURT STAFF) (Filed on 11/12/2010) (Entered: 11/12/2010)
11/12/2010	178	ORDER by Judge James Larson Granting in part and denying in part 125 Motion ; Granting in part and denying in part 128 Motion ; Denying without Prejudice 131 Motion ; Denying without Prejudice 140 Motion for Protective Order (jlsec, COURT STAFF) (Filed on 11/12/2010) (Entered: 11/15/2010)
11/15/2010	177	ORDER by Judge Claudia Wilken granting in part and denying in part 87 Motion for Leave to File (ndr, COURT STAFF) (Filed on 11/15/2010) (Entered: 11/15/2010)
11/16/2010	179	Transcript of Proceedings held on 10-27-10, before Judge James Larson. Court Reporter/Transcriber Katherine Wyatt, Telephone number 925-212-5224. Per General Order No. 59 and Judicial Conference policy, this transcript may be viewed only at the Clerks Office public terminal or may be purchased through the Court Reporter/Transcriber until the deadline for the Release of Transcript Restriction.After that date it may be obtained through PACER. Any Notice of Intent to Request Redaction, if required, is due no later than 5 business days from date of this filing. Release of Transcript Restriction set for 2/14/2011. (kpw, COURT STAFF) (Filed on 11/16/2010) (Entered: 11/16/2010)
11/18/2010	180	AMENDED COMPLAINT <i>Third Amended Complaint for Declaratory and Injunctive Relief Under United States Constitution and Federal Statutes and Regulations</i> against Central Intelligence Agency, Robert M. Gates, Pete Geren, Eric H. Holder, Jr, Leon Panetta, United States Department of Defense, United States Department of the Army, United States of America, United States Department of Veterans Affairs, Eric K. Shinseki. Filed by Bruce Price, Vietnam Veterans of America, Veterans Rights Organization, Franklin D. Rochelle, Eric P. Muth, Swords to Plowshares, Larry Meirow, David C. Dufrane, William Blazinski, Tim Michael Josephs. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C)(Erspamer, Gordon) (Filed on 11/18/2010) (Entered: 11/18/2010)
11/24/2010	181	STIPULATION and Proposed Order Enlarging Time for Settlement Proposal, filed by William Blazinski, David C. Dufrane, Tim Michael Josephs, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares: Veterans Rights Organization, Vietnam Veterans of America, Central Intelligence Agency, Robert M. Gates, Eric H. Holder. (Blakely, Timothy) (Filed on 11/24/2010) Modified on 11/30/2010 (jlm, COURT

		STAFF). (Entered: 11/24/2010)
11/24/2010	182	Declaration of Timothy W. Blakely in Support of 181 <i>Stipulation and Proposed Order Enlarging Time for Settlement Proposal</i> filed by William Blazinski, David C. Dufrane, Tim Michael Josephs, Larry Meiorow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares: Veterans Rights Organization, Vietnam Veterans of America. (Related document(s) 181) (Blakely, Timothy) (Filed on 11/24/2010) Modified on 11/30/2010 (jlm, COURT STAFF). (Entered: 11/24/2010)
12/01/2010	183	PROTECTIVE ORDER Governing Discovery. Signed by Judge James Larson on 12/1/10. (fj, COURT STAFF) (Filed on 12/1/2010) (Entered: 12/01/2010)
12/02/2010	184	STIPULATION and Proposed Order Regarding Compliance with November 12, 2010 Order Granting in Part and Denying in Part Plaintiffs' Motion to Compel Production of Documents and Motion to Compel 30(b)(6) Depositions, filed by William Blazinski, David C. Dufrane, Tim Michael Josephs, Larry Meiorow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares: Veterans Rights Organization, Vietnam Veterans of America, Central Intelligence Agency, Robert M. Gates, Eric H. Holder, Jr.. (Blakely, Timothy) (Filed on 12/2/2010) Modified on 12/3/2010 (jlm, COURT STAFF). (Entered: 12/02/2010)
12/06/2010	185	ORDER re 184 Stipulation, filed by Eric P. Muth, Larry Meiorow, Leon Panetta, Eric H. Holder, Jr., Swords to Plowshares: Veterans Rights Organization, David C. Dufrane, Central Intelligence Agency, Franklin D. Rochelle, Bruce Price, Vietnam Veterans of America, Robert M. Gates, William Blazinski, Tim Michael Josephs. Signed by Judge James Larson on 12/6/10. (jlsec, COURT STAFF) (Filed on 12/6/2010) (Entered: 12/06/2010)
12/06/2010	186	STIPULATION AND ORDER re 181 Stipulation, filed by Eric P. Muth, Larry Meiorow, Eric H. Holder, Jr., Swords to Plowshares: Veterans Rights Organization, David C. Dufrane, Central Intelligence Agency, Franklin D. Rochelle, Bruce Price, Vietnam Veterans of America, Robert M. Gates, William Blazinski, Tim Michael Josephs. Signed by Magistrate Judge Elizabeth D. Laporte on December 6, 2010. (edllc2, COURT STAFF) (Filed on 12/6/2010) (Entered: 12/06/2010)
12/06/2010	187	Partial MOTION to Dismiss <i>Plaintiffs' Third Amended Complaint</i> filed by Central Intelligence Agency, Department of Veterans Affairs, Robert M. Gates, Pete Geren, Eric H. Holder, Jr, Leon Panetta, Eric K. Shinseki, United States Department of Defense, United States Department of Veterans Affairs, United States Department of the Army, United States Secretary of Veterans Affairs, United States of America. Motion Hearing set for 1/13/2011 02:00 PM in Courtroom 2, 4th Floor, Oakland. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Proposed Order)(Herb, Kimberly) (Filed on 12/6/2010) Modified on 12/7/2010 (kk, COURT STAFF). (Entered: 12/06/2010)
12/13/2010	188	Memorandum in Opposition re 187 MOTION to Dismiss <i>Plaintiffs' Third Amended Complaint</i> filed by William Blazinski, David C. Dufrane, Tim Michael Josephs, Larry Meiorow, Eric P. Muth, Bruce Price, Franklin D.

		Rochelle, Swords to Plowshares: Veterans Rights Organization, Vietnam Veterans of America. (Erspamer, Gordon) (Filed on 12/13/2010) (Entered: 12/13/2010)
12/13/2010	189	Declaration of Gordon P. Erspamer in Support of 188 Memorandum in Opposition, filed by William Blazinski, David C. Dufrane, Tim Michael Josephs, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares: Veterans Rights Organization, Vietnam Veterans of America. (Attachments: # 1 Exhibit A, # 2 Exhibit B)(Related document(s) 188) (Erspamer, Gordon) (Filed on 12/13/2010) (Entered: 12/13/2010)
12/17/2010	190	Letter from Gordon P. Erspamer <i>re Defendants' Assertion of Privilege under 50 U.S.C. Section 403g</i> . (Attachments: # 1 Rough Transcript of Pelikan Deposition)(Erspamer, Gordon) (Filed on 12/17/2010) (Entered: 12/17/2010)
12/17/2010	191	<i>Renewed Motion to Compel Defendants' Responses to Interrogatories</i> filed by William Blazinski, David C. Dufrane, Tim Michael Josephs, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares: Veterans Rights Organization, Vietnam Veterans of America. (Erspamer, Gordon) (Filed on 12/17/2010) Modified on 12/20/2010 (cp, COURT STAFF). (Entered: 12/17/2010)
12/17/2010	192	Declaration of Gordon P. Erspamer in Support of 191 <i>Renewed Motion to Compel Defendants' Responses to Interrogatories</i> filed by William Blazinski, David C. Dufrane, Tim Michael Josephs, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares: Veterans Rights Organization, Vietnam Veterans of America. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E, # 6 Exhibit F, # 7 Exhibit G, # 8 Exhibit H, # 9 Exhibit I, # 10 Exhibit J, # 11 Exhibit K, # 12 Exhibit L, # 13 Exhibit M)(Related document(s) 191) (Erspamer, Gordon) (Filed on 12/17/2010) Modified on 12/20/2010 (cp, COURT STAFF). (Entered: 12/17/2010)
12/17/2010	193	Proposed Order re 191 <i>Renewed Motion to Compel Defendants' Responses to Interrogatories</i> by William Blazinski, David C. Dufrane, Tim Michael Josephs, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares: Veterans Rights Organization, Vietnam Veterans of America. (Erspamer, Gordon) (Filed on 12/17/2010) Modified on 12/20/2010 (cp, COURT STAFF). (Entered: 12/17/2010)
12/17/2010	194	Reply Memorandum re 187 MOTION to Dismiss <i>Plaintiffs' Third Amended Complaint</i> filed by Central Intelligence Agency, Robert M. Gates, Pete Geren, Eric H. Holder, Jr, Leon Panetta, Eric K. Shinseki, United States Department of Defense, United States Department of Veterans Affairs, United States Department of the Army, United States Secretary of Veterans Affairs, United States of America. (Herb, Kimberly) (Filed on 12/17/2010) (Entered: 12/17/2010)
12/20/2010		Set/Reset Deadlines as to 191 MOTION to Compel <i>Defendants' Responses to Interrogatories</i> . Motion Hearing set for 1/26/2011 09:30 AM before Magistrate Judge James Larson. (cp, COURT STAFF) (Filed on 12/20/2010) (Entered: 12/20/2010)

12/20/2010		MOTIONS 191 MOTION to Compel <i>Defendants' Responses to Interrogatories</i> REFERRED to Judge James Larson. (cp, COURT STAFF) (Filed on 12/20/2010) (Entered: 12/20/2010)
12/20/2010	195	NOTICE by Central Intelligence Agency, Robert M. Gates, Pete Geren, Eric H. Holder, Jr, Leon Panetta, Eric K. Shinseki, United States Department of Defense, United States Department of Veterans Affairs, United States Department of the Army, United States Secretary of Veterans Affairs, United States of America re 178 Order on Motion for Miscellaneous Relief,,, Order on Motion for Protective Order,,,, (Attachments: # 1 Lutz Declaration, # 2 Exhibit A to Lutz Declaration, # 3 Exhibit B to Lutz Declaration, # 4 Herb Declaration, # 5 Exhibit 1 to Herb Declaration, # 6 Exhibit 2, part 1 to Herb Declaration, # 7 Exhibit 2, part 2 to Herb Declaration, # 8 Exhibit 2, part 3 to Herb Declaration, # 9 Exhibit 2, part 4 to Herb Declaration, # 10 Exhibit 3 to Herb Declaration)(Herb, Kimberly) (Filed on 12/20/2010) Modified on 1/10/2011 (cpS, COURT STAFF). ***ATTACHMENTS 5-9 BLOCKED*** (Entered: 12/20/2010)
12/23/2010	196	RESPONSE to re 190 Letter by Central Intelligence Agency, Robert M. Gates, Pete Geren, Michael V. Hayden, Eric H. Holder, Jr, Michael B. Mukasey, Leon Panetta, United States Department of Defense, United States Department of the Army, United States of America. (Bowen, Brigham) (Filed on 12/23/2010) (Entered: 12/23/2010)
01/05/2011	197	Memorandum in Opposition re 191 MOTION to Compel <i>Defendants' Responses to Interrogatories</i> filed by Central Intelligence Agency, Robert M. Gates, Pete Geren, Eric H. Holder, Jr, Leon Panetta, Eric K. Shinseki, United States Department of Defense, United States Department of Veterans Affairs, United States Department of the Army, United States Secretary of Veterans Affairs, United States of America. (Attachments: # 1 Farel Declaration, # 2 Exhibit A to Farel Declaration, # 3 Exhibit B to Farel Declaration, # 4 Exhibit C to Farel Declaration, # 5 Exhibit D to Farel Declaration, # 6 Exhibit E to Farel Declaration, # 7 Exhibit F to Farel Declaration, # 8 Exhibit G to Farel Declaration, # 9 Exhibit H to Farel Declaration, # 10 Exhibit I to Farel Declaration, # 11 Exhibit J to Farel Declaration)(Farel, Lily) (Filed on 1/5/2011) (Entered: 01/05/2011)
01/10/2011	198	CLERKS NOTICE TAKING MOTION UNDER SUBMISSION. (ndr, COURT STAFF) (Filed on 1/10/2011) (Entered: 01/10/2011)
01/10/2011	199	STIPULATED <i>Administrative Motion to Remove Incorrectly Filed Documents from Docket re 195 ; (Proposed) Order</i> by Central Intelligence Agency, Robert M. Gates, Pete Geren, Eric H. Holder, Jr, Leon Panetta, Eric K. Shinseki, United States Department of Defense, United States Department of Veterans Affairs, United States Department of the Army, United States Secretary of Veterans Affairs, United States of America. (Herb, Kimberly) (Filed on 1/10/2011) Modified on 1/11/2011 (cp, COURT STAFF). (Entered: 01/10/2011)

01/14/2011	200	ORDER Granting 199 STIPULATED Administrative Motion to Remove Incorrectly Filed Documents from Docket re 195 . Signed by Judge Claudia Wilken on 1/14/2011. (ndr, COURT STAFF) (Filed on 1/14/2011) (Entered: 01/14/2011)
01/19/2011	201	**FILED IN ERROR** ORDER by Judge James Larson Granting Plaintiffs' Renewed Motion to Compel Defendants' Responses to Interrogatories 191 Motion to Compel (jlsec, COURT STAFF) (Filed on 1/19/2011) Modified on 1/19/2011 (jlsec, COURT STAFF). (Entered: 01/19/2011)
01/19/2011	202	ORDER GRANTING PLAINTIFFS' RENEWED MOTION re 191 MOTION to Compel <i>Defendants' Responses to Interrogatories</i> filed by Eric P. Muth, Larry Meirow, Swords to Plowshares: Veterans Rights Organization, David C. Dufrane, Franklin D. Rochelle, Bruce Price, Vietnam Veterans of America, William Blazinski, Tim Michael Josephs. Signed by Judge James Larson on 1/19/11. (jlsec, COURT STAFF) (Filed on 1/19/2011) (Entered: 01/19/2011)
01/21/2011	203	STIPULATION and (Proposed) Order extending time for new defendants to file answer to re 180 Amended Complaint,, by Central Intelligence Agency, Robert M. Gates, Pete Geren, Eric H. Holder, Jr, Leon Panetta, Eric K. Shinseki, United States Department of Defense, United States Department of Veterans Affairs, United States Department of the Army, United States Secretary of Veterans Affairs, United States of America. (Attachments: # 1 Declaration)(Gardner, Joshua) (Filed on 1/21/2011) Modified on 1/24/2011 (cp, COURT STAFF). (Entered: 01/21/2011)
01/25/2011	204	ORDER Granting 203 Stipulation extending time for new defendants to file answer to re 180 Amended Complaint. Signed by Judge Claudia Wilken on 1/25/2011. (ndr, COURT STAFF) (Filed on 1/25/2011) (Entered: 01/25/2011)
02/01/2011	205	LETTER from Joshua E. Gardner by Central Intelligence Agency, Robert M. Gates, Pete Geren, Eric H. Holder, Jr, Leon Panetta, Eric K. Shinseki, United States Department of Defense, United States Department of Veterans Affairs, United States Department of the Army, United States Secretary of Veterans Affairs, United States of America <i>Pursuant to Magistrate Judge Larson's October 27, 2010 Request</i> (Gardner, Joshua) (Filed on 2/1/2011) Modified on 2/2/2011 (cpS, COURT STAFF). (Entered: 02/01/2011)
02/02/2011	206	Letter from Gordon P. Erspamer to <i>Magistrate Judge Larson re DoJ 2/1/11 Letter [Document 205]</i> . (Erspamer, Gordon) (Filed on 2/2/2011) (Entered: 02/02/2011)
02/04/2011	207	NOTICE of Appearance by Judson Owen Littleton (Littleton, Judson) (Filed on 2/4/2011) (Entered: 02/04/2011)
02/16/2011	208	NOTICE by Central Intelligence Agency, Robert M. Gates, Pete Geren, Eric H. Holder, Jr, Leon Panetta, Eric K. Shinseki, United States Department of Defense, United States Department of Veterans Affairs, United States Department of the Army, United States Secretary of Veterans Affairs, United States of America <i>of Manual Filing of Administrative Record</i> (Attachments: # 1 Declaration of Patricia B. Cameresi)(Herb, Kimberly) (Filed on 2/16/2011) (Entered: 02/16/2011)

02/18/2011	209	Administrative Record (Volume 1) by Central Intelligence Agency (cp, COURT STAFF) (Filed on 2/18/2011) (Entered: 02/25/2011)
02/18/2011	210	Administrative Record (Volume II) by Central Intelligence Agency (cp, COURT STAFF) (Filed on 2/18/2011) (Entered: 02/25/2011)
02/25/2011	211	MOTION to Strike <i>the CIA's Administrative Record and Memorandum of Points and Authorities in Support Thereof</i> filed by William Blazinski, David C. Dufrane, Tim Michael Josephs, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares: Veterans Rights Organization, Vietnam Veterans of America. Motion Hearing set for 4/7/2011 02:00 PM in Courtroom 2, 4th Floor, Oakland before Hon. Claudia Wilken. (Attachments: # 1 Proposed Order)(Erspamer, Gordon) (Filed on 2/25/2011) Modified on 2/28/2011 (cp, COURT STAFF). (Entered: 02/25/2011)
03/02/2011	212	ORDER CONCERNING BRIEFING AND HEARING ON PLAINTIFFS' MOTION TO STRIKE. Signed by Judge Claudia Wilken on 3/2/2011. (cwl2, COURT STAFF) (Filed on 3/2/2011) (Entered: 03/02/2011)
03/03/2011	213	Letter from Kimberly L. Herb re submission of complete version of the document identified as AR-24(b) inadvertently omitted from the administrative record. (Attachments: # 1 document identified as AR-24(B))(cp, COURT STAFF) (Filed on 3/3/2011) Modified on 3/3/2011 (cp, COURT STAFF). ***NOTE: ORIGINAL DOCUMENT WITH DOCUMENT #210*** (Entered: 03/03/2011)
03/08/2011	214	ORDER ON BRIEFING REGARDING 187 MOTION to Dismiss <i>Plaintiffs' Third Amended Complaint</i> . Plaintiffs' Supplemental Opposition due by 3/22/2011. Defendants' Supplemental Reply due by 3/29/2011. Signed by Judge Claudia Wilken on 3/8/2011. (cwl2, COURT STAFF) (Filed on 3/8/2011) (Entered: 03/08/2011)
03/08/2011	215	RESPONSE (re 211 MOTION to Strike <i>the CIA's Administrative Record</i>) filed by Central Intelligence Agency, Robert M. Gates, Pete Geren, Eric H. Holder, Jr, Leon Panetta, Eric K. Shinseki, United States Department of Defense, United States Department of Veterans Affairs, United States Department of the Army, United States Secretary of Veterans Affairs, United States of America. (Herb, Kimberly) (Filed on 3/8/2011) (Entered: 03/08/2011)
03/11/2011	216	REPLY (re 211 MOTION to Strike <i>the CIA's Administrative Record</i>) <i>Plaintiffs' Reply in Response to Defendants' Opposition to Plaintiffs' Motion to Strike the CIA's Administrative Record</i> filed by William Blazinski, David C. Dufrane, Tim Michael Josephs, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares: Veterans Rights Organization, Vietnam Veterans of America. (Erspamer, Gordon) (Filed on 3/11/2011) (Entered: 03/11/2011)
03/22/2011	217	SUPPLEMENTAL RESPONSE (re 187 Partial MOTION to Dismiss <i>Plaintiffs' Third Amended Complaint</i>) filed by William Blazinski, David C.

		Dufrane, Tim Michael Josephs, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares: Veterans Rights Organization, Vietnam Veterans of America. (Erspamer, Gordon) (Filed on 3/22/2011) Modified on 3/23/2011 (cp, COURT STAFF). (Entered: 03/22/2011)
03/29/2011	218	SUPPLEMENTAL REPLY (re 187 MOTION to Dismiss <i>Plaintiffs' Third Amended Complaint</i>) filed by Central Intelligence Agency, Robert M. Gates, Pete Geren, Eric H. Holder, Jr, Leon Panetta, Eric K. Shinseki, United States Department of Defense, United States Department of Veterans Affairs, United States Department of the Army, United States Secretary of Veterans Affairs, United States of America. (Herb, Kimberly) (Filed on 3/29/2011) Modified on 3/30/2011 (cp, COURT STAFF). (Entered: 03/29/2011)
04/04/2011	219	<p>***STRICKEN PURSUANT TO ORDER, DOCUMENT # 220***</p> <p>Letter from Gordon P. Erspamer to Judge Wilken. (Attachments: # 1 Gilliland v. E.J. Bartells Co., Inc., 270 F.3d 1259 (9th Cir. 2001))(Erspamer, Gordon) (Filed on 4/4/2011) Modified on 4/5/2011 (cp, COURT STAFF). (Entered: 04/04/2011)</p>
04/04/2011	220	ORDER SUA SPONTE STRIKING 219 Letter filed by Eric P. Muth, Larry Meirow, Swords to Plowshares: Veterans Rights Organization, David C. Dufrane, Franklin D. Rochelle, Bruce Price, Vietnam Veterans of America, William Blazinski, Tim Michael Josephs. Signed by Judge Claudia Wilken on 4/4/2011. (cwlc2, COURT STAFF) (Filed on 4/4/2011) (Entered: 04/04/2011)
04/06/2011	221	MOTION for Extension of Time to File Answer re 180 Amended Complaint,, filed by Central Intelligence Agency, Robert M. Gates, Pete Geren, Eric H. Holder, Jr, Leon Panetta, Eric K. Shinseki, United States Department of Defense, United States Department of Veterans Affairs, United States Department of the Army, United States Secretary of Veterans Affairs, United States of America. Motion Hearing set for 5/12/2011 02:00 PM in Courtroom 2, 4th Floor, Oakland before Hon. Claudia Wilken. (Attachments: # 1 Declaration of Joshua E. Gardner, # 2 Exhibit A, # 3 Exhibit B, # 4 Exhibit C, # 5 Proposed Order)(Littleton, Judson) (Filed on 4/6/2011) (Entered: 04/06/2011)
04/07/2011		*** 5/12/2011 Hearing Date is Terminated as to 221 Motion. Counsel Called and Advised to Re-notice to an Appropriate Hearing Date *** (ndr, COURT STAFF) (Filed on 4/7/2011) (Entered: 04/07/2011)
04/07/2011	222	Renotice motion hearing re 221 MOTION for Extension of Time to File Answer re 180 Amended Complaint filed by Central Intelligence Agency, Robert M. Gates, Pete Geren, Eric H. Holder, Jr, Leon Panetta, Eric K. Shinseki, United States Department of Defense, United States Department of Veterans Affairs, United States Department of the Army, United States Secretary of Veterans Affairs, United States of America. Motion Hearing set for 6/2/2011 02:00 PM in Courtroom 2, 4th Floor, Oakland before Hon. Claudia Wilken. (Related document(s) 221) (Littleton, Judson) (Filed on 4/7/2011) Modified on 4/8/2011 (kc, COURT STAFF). (Entered: 04/07/2011)

04/11/2011	223	RESPONSE (re 221 MOTION for Extension of Time to File Answer re 180 Amended Complaint filed by William Blazinski, David C. Dufrane, Tim Michael Josephs, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares: Veterans Rights Organization, Vietnam Veterans of America. (Erspamer, Gordon) (Filed on 4/11/2011) Modified on 4/12/2011 (cp, COURT STAFF). (Entered: 04/11/2011)
04/11/2011	224	Declaration of Gordon P. Erspamer in Support of 223 Opposition/Response to Motion,, filed by William Blazinski, David C. Dufrane, Tim Michael Josephs, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares: Veterans Rights Organization, Vietnam Veterans of America. (Related document(s) 223) (Erspamer, Gordon) (Filed on 4/11/2011) (Entered: 04/11/2011)
04/12/2011	225	CLERKS NOTICE TAKING MOTION UNDER SUBMISSION. (ndr, COURT STAFF) (Filed on 4/12/2011) (Entered: 04/12/2011)
04/14/2011	226	ORDER by Judge Claudia Wilken granting 221 Motion for Extension of Time to Answer. (ndr, COURT STAFF) (Filed on 4/14/2011) (Entered: 04/14/2011)
04/15/2011	227	NOTICE by William Blazinski, David C. Dufrane, Tim Michael Josephs, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares: Veterans Rights Organization, Vietnam Veterans of America <i>Notice of Withdrawal of Daniel J. Vecchio as Counsel for Plaintiffs</i> (Erspamer, Gordon) (Filed on 4/15/2011) (Entered: 04/15/2011)
05/03/2011	228	STIPULATION <i>and [Proposed] Order Extending Discovery Deadlines</i> by William Blazinski, David C. Dufrane, Tim Michael Josephs, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares: Veterans Rights Organization, Vietnam Veterans of America, Central Intelligence Agency, et al. (Erspamer, Gordon) (Filed on 5/3/2011) Modified on 5/4/2011 (cp, COURT STAFF). (Entered: 05/03/2011)
05/03/2011	229	Declaration of Gordon P. Erspamer in Support of 228 Stipulation, filed by William Blazinski, David C. Dufrane, Tim Michael Josephs, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares: Veterans Rights Organization, Vietnam Veterans of America. (Related document(s) 228) (Erspamer, Gordon) (Filed on 5/3/2011) (Entered: 05/03/2011)
05/04/2011	230	ORDER GRANTING 228 Stipulation Extending Discovery Deadlines. Signed by Judge Claudia Wilken on 5/4/2011. (ndr, COURT STAFF) (Filed on 5/4/2011) (Entered: 05/04/2011)
05/19/2011	231	STIPULATION <i>And [Proposed] Order Modifying Protective Order Governing Discovery</i> by William Blazinski, David C. Dufrane, Tim Michael Josephs, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares: Veterans Rights Organization, Vietnam Veterans of America, Central Intelligence Agency, et al. (Attachments: # 1 Exhibit A) (Blakely, Timothy) (Filed on 5/19/2011) Modified on 5/20/2011 (cp, COURT STAFF). (Entered: 05/19/2011)
05/24/2011	232	ORDER re 231 Stipulation, filed by Eric P. Muth, Larry Meirow, Swords to

		Plowshares: Veterans Rights Organization, David C. Dufrane, Central Intelligence Agency, Franklin D. Rochelle, Bruce Price, Vietnam Veterans of America, William Blazinski, Tim Michael Josephs. Signed by Judge JAMES LARSON on 5/24/11. (bjtS, COURT STAFF) (Filed on 5/24/2011) (Entered: 05/24/2011)
05/31/2011	233	ORDER by Judge Claudia Wilken GRANTING in part and DENYING in part 187 Defendants' Motion to Dismiss in Part; DENYING 211 Plaintiffs' Motion to Strike (cwl2, COURT STAFF) (Filed on 5/31/2011) (Entered: 05/31/2011)
06/01/2011		Due to Magistrate Judge James Larson's retirement, this case is re-referred to Magistrate Judge Jacqueline Scott Corley for discovery. All matters scheduled before, and deadlines set by, Judge Larson are hereby vacated. All future discovery matters should be addressed to Judge Corley unless otherwise ordered by the presiding judge. Please contact Judge Corley's courtroom deputy, Ada Means, at (415)522-2015 or Ada_Means@cand.uscourts.gov with any questions or concerns. (ga, COURT STAFF) (Filed n 6/1/2011) (Entered: 06/01/2011)
06/01/2011		CASE REFERRED to Magistrate Judge Magistrate Judge Jacqueline Scott Corley for Discovery (cp, COURT STAFF) (Filed on 6/1/2011) (Entered: 06/02/2011)
06/07/2011	234	Joint Request for Clarification of Procedure Concerning Discovery Disputes. (Erspamer, Gordon) (Filed on 6/7/2011) Modified on 6/8/2011 (kc, COURT STAFF). (Entered: 06/07/2011)
06/09/2011	235	ORDER RE JOINT REQUEST FOR CLARIFICATION re 234 Letter filed by United States Department of the Army, David C. Dufrane, Franklin D. Rochelle, United States Secretary of Veterans Affairs, Vietnam Veterans of America, William Blazinski, Pete Geren, United States Department of Veterans Affairs, United States Department of Defense, Larry Meirow, Eric P. Muth, Leon Panetta, Eric H. Holder, Jr., Swords to Plowshares: Veterans Rights Organization, Central Intelligence Agency, United States of America, Bruce Price, Robert M. Gates, Eric K. Shinseki, Tim Michael Josephs. Signed by Magistrate Judge Jacqueline Scott Corley on 6/9/2011. (ahm, COURT STAFF) (Filed on 6/9/2011) (Entered: 06/09/2011)
06/14/2011	236	ANSWER to Amended Complaint by Central Intelligence Agency, Robert M. Gates, Pete Geren, Eric H. Holder, Jr, Leon Panetta, Eric K. Shinseki, United States Department of Defense, United States Department of Veterans Affairs, United States Department of the Army, United States Secretary of Veterans Affairs, United States of America. (Gardner, Joshua) (Filed on 6/14/2011) (Entered: 06/14/2011)
06/20/2011	237	STIPULATION <i>and [Proposed] Order Extending Case Deadlines</i> by William Blazinski, Central Intelligence Agency, David C. Dufrane, Robert M. Gates, Pete Geren, Eric H. Holder, Jr, Tim Michael Josephs, Larry Meirow, Eric P. Muth, Leon Panetta, Bruce Price, Franklin D. Rochelle, Eric K. Shinseki, Swords to Plowshares: Veterans Rights Organization, United States Department of Defense, United States Department of Veterans Affairs, United States Department of the Army, United States Secretary of Veterans Affairs,

		United States of America, Vietnam Veterans of America. (Attachments: # 1 Declaration of Gordon P. Erspamer in Support of Stipulation and [Proposed] Order Extending Case Deadlines)(Erspamer, Gordon) (Filed on 6/20/2011) (Entered: 06/20/2011)
06/21/2011	238	ORDER Granting 237 Stipulation Extending Case Deadlines. Case Management Statement due by 3/29/2012. Further Case Management Conference set for 4/5/2012 02:00 PM. Motion Hearing set for 4/5/2012 02:00 PM before Hon. Claudia Wilken. Final Pretrial Conference set for 6/12/2012 02:00 PM. Bench Trial (20 day) set for 7/9/2012 08:30 AM before Hon. Claudia Wilken. Signed by Judge Claudia Wilken on 6/21/2011. (ndr, COURT STAFF) (Filed on 6/21/2011) (Entered: 06/21/2011)
07/01/2011	239	<i>Joint Statement of Discovery Dispute Over Plaintiffs Requests for Rule 30(b) (6) Depositions</i> by William Blazinski, David C. Dufrane, Tim Michael Josephs, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares: Veterans Rights Organization, Vietnam Veterans of America, Central Intelligence Agency, et al. (Erspamer, Gordon) (Filed on 7/1/2011) Modified on 7/5/2011 (cp, COURT STAFF). (Entered: 07/01/2011)
07/01/2011	240	<i>Joint Statement of Discovery Dispute Over Plaintiffs Requests for Production of Documents</i> by William Blazinski, David C. Dufrane, Tim Michael Josephs, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares: Veterans Rights Organization, Vietnam Veterans of America, Central Intelligence Agency. (Erspamer, Gordon) (Filed on 7/1/2011) Modified on 7/5/2011 (cp, COURT STAFF). (Entered: 07/01/2011)
07/21/2011	241	Joint Statement of Discovery Dispute Over Defendant Department of Veterans Affairs' Responses to Plaintiffs' Discovery Requests by William Blazinski, Department of Veterans Affairs, David C. Dufrane, Tim Michael Josephs, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares: Veterans Rights Organization, Vietnam Veterans of America. (Erspamer, Gordon) (Filed on 7/21/2011) Modified on 7/22/2011 (kc, COURT STAFF). (Entered: 07/21/2011)
07/22/2011	242	NOTICE OF ERRATA re 241 Joint Statement of Discovery Dispute Over Defendant Department of Veterans Affairs' Responses to Plaintiffs' Discovery Requests by William Blazinski, David C. Dufrane, Tim Michael Josephs, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares: Veterans Rights Organization, Vietnam Veterans of America. (Erspamer, Gordon) (Filed on 7/22/2011) Modified on 7/25/2011 (kc, COURT STAFF). (Entered: 07/22/2011)
07/22/2011	243	Joint Statement of Discovery Dispute Over Defendant Department of Veterans Affairs' Responses to Plaintiffs' Discovery Requests by William Blazinski, David C. Dufrane, Tim Michael Josephs, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares: Veterans Rights Organization, Vietnam Veterans of America. (Erspamer, Gordon) (Filed on 7/22/2011) Modified on 7/25/2011 (kc, COURT STAFF). (Entered: 07/22/2011)
07/27/2011	244	ORDER RE HEARING ON JULY 21, 2011 JOINT STATEMENT. Signed by

		Magistrate Judge Jacqueline Scott Corley on 7/27/2011. (ahm, COURT STAFF) (Filed on 7/27/2011) (Entered: 07/27/2011)
07/28/2011	245	MOTION for Judgment on the Pleadings <i>and, In the Alternative, Motion for Summary Judgment</i> filed by Central Intelligence Agency, Robert M. Gates, Pete Geren, Eric H. Holder, Jr, Leon Panetta, Eric K. Shinseki, United States Department of Defense, United States Department of Veterans Affairs, United States Department of the Army, United States Secretary of Veterans Affairs, United States of America. Motion Hearing set for 9/1/2011 02:00 PM in Courtroom 2, 4th Floor, Oakland before Hon. Claudia Wilken. Responses due by 8/11/2011. Replies due by 8/18/2011. (Attachments: # 1 Declaration of Kimberly L. Herb, # 2 Exhibit A to Herb Decl., # 3 Exhibit B to Herb Decl., # 4 Exhibit C to Herb Decl., # 5 *** Exhibit D to Herb Decl. removed per order, document # 267 *** # 6 Exhibit E to Herb Decl., # 7 Exhibit F to Herb Decl., # 8 Exhibit G to Herb Decl., # 9 Exhibit H to Herb Decl., # 10 Exhibit I to Herb Decl., # 11 Exhibit J to Herb Decl., # 12 Exhibit K to Herb Decl., # 13 Exhibit L to Herb Decl., # 14 Exhibit M to Herb Decl., # 15 Exhibit N to Herb Decl., # 16 Exhibit O to Herb Decl., # 17 Exhibit P to Herb Decl., # 18 Exhibit Q to Herb Decl., # 19 Exhibit R to Herb Decl., # 20 Exhibit S to Herb Decl., # 21 Exhibit T to Herb Decl., # 22 Exhibit U to Herb Decl.)(Herb, Kimberly) (Filed on 7/28/2011) Modified on 7/29/2011 (cpS, COURT STAFF). Modified on 8/24/2011 (cpS, COURT STAFF). (Entered: 07/28/2011)
07/29/2011	246	Proposed Order re 245 MOTION for Judgment on the Pleadings <i>and, In the Alternative, Motion for Summary Judgment by Defendant Central Intelligence Agency</i> by Central Intelligence Agency, Robert M. Gates, Pete Geren, Eric H. Holder, Jr, Leon Panetta, Eric K. Shinseki, United States Department of Defense, United States Department of Veterans Affairs, United States Department of the Army, United States Secretary of Veterans Affairs, United States of America. (Herb, Kimberly) (Filed on 7/29/2011) (Entered: 07/29/2011)
08/03/2011	247	Letter from Gordon P. Erspamer <i>to Honorable Jacqueline Scott Corley.</i> (Erspamer, Gordon) (Filed on 8/3/2011) (Entered: 08/03/2011)
08/04/2011	248	Minute Entry: Discovery Hearing held on 8/4/2011 before Magistrate Judge Jacqueline Scott Corley (Date Filed: 8/4/2011). (Court Reporter: Debra Pas) (ahm, COURT STAFF) (Date Filed: 8/4/2011) Modified on 8/8/2011 (cp, COURT STAFF). (Entered: 08/05/2011)
08/09/2011	249	ORDER ON DEFENDANT CENTRAL INTELLIGENCE AGENCY'S MOTION FOR JUDGMENT ON THE PLEADINGS. Signed by Judge Claudia Wilken on 8/9/2011. (cwlc2, COURT STAFF) (Filed on 8/9/2011) (Entered: 08/09/2011)
08/11/2011	250	Transcript of Proceedings held on 8-4-2011, before Judge Jacqueline Scott Corley. Court Reporter/Transcriber Debra L. Pas, CRR, Telephone number (415) 431-1477. Per General Order No. 59 and Judicial Conference policy, this transcript may be viewed only at the Clerks Office public terminal or may be purchased through the Court Reporter/Transcriber until the deadline for the Release of Transcript Restriction.After that date it may be obtained through

		PACER. Any Notice of Intent to Request Redaction, if required, is due no later than 5 business days from date of this filing. Release of Transcript Restriction set for 11/9/2011. (Pas, Debra) (Filed on 8/11/2011) (Entered: 08/11/2011)
08/11/2011	251	RESPONSE (re 245 MOTION for Judgment on the Pleadings <i>and, In the Alternative, Motion for Summary Judgment</i>) <i>Plaintiff's Opposition to Defendant Central Intelligence Agency's Motion for Judgment on Pleadings and, in the Alternative, Motion for Summary Judgment</i> filed by William Blazinski, David C. Dufrane, Tim Michael Josephs, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares: Veterans Rights Organization, Vietnam Veterans of America. (Erspamer, Gordon) (Filed on 8/11/2011) (Entered: 08/11/2011)
08/15/2011	252	MOTION for Protective Order <i>Limiting Discovery</i> filed by Central Intelligence Agency, Robert M. Gates, Pete Geren, Eric H. Holder, Jr, Leon Panetta, Eric K. Shinseki, United States Department of Defense, United States Department of Veterans Affairs, United States Department of the Army, United States Secretary of Veterans Affairs, United States of America. Motion Hearing set for 9/29/2011 02:00 PM in Courtroom 2, 4th Floor, Oakland before Hon. Claudia Wilken. Responses due by 8/29/2011. Replies due by 9/6/2011. (Herb, Kimberly) (Filed on 8/15/2011) (Entered: 08/15/2011)
08/16/2011	253	Declaration of Kimberly Herb in Support of 252 MOTION for Protective Order <i>Limiting Discovery</i> filed by Central Intelligence Agency, Robert M. Gates, Pete Geren, Eric H. Holder, Jr, Leon Panetta, Eric K. Shinseki, United States Department of Defense, United States Department of Veterans Affairs, United States Department of the Army, United States Secretary of Veterans Affairs, United States of America. (Attachments: # 1 Exhibit A to Herb Declaration, # 2 Exhibit B to Herb Declaration, # 3 Exhibit C to Herb Declaration, # 4 Exhibit D to Herb Declaration, # 5 Exhibit E to Herb Declaration, # 6 Exhibit F to Herb Declaration, # 7 Exhibit G to Herb Declaration, # 8 Exhibit H to Herb Declaration, # 9 Proposed Order)(Related document(s) 252) (Herb, Kimberly) (Filed on 8/16/2011) (Entered: 08/16/2011)
08/16/2011		Reset Reply Deadline as to 252 MOTION for Protective Order Limiting Discovery. Replies due by 9/5/2011. (ndr, COURT STAFF) (Filed on 8/16/2011) (Entered: 08/16/2011)
08/16/2011	254	ERRATA re 252 MOTION for Protective Order <i>Limiting Discovery</i> by Central Intelligence Agency, Robert M. Gates, Pete Geren, Eric H. Holder, Jr, Leon Panetta, Eric K. Shinseki, United States Department of Defense, United States Department of Veterans Affairs, United States Department of the Army, United States Secretary of Veterans Affairs, United States of America. (Attachments: # 1 Corrected Motion for Protective Order Limiting Discovery) (Herb, Kimberly) (Filed on 8/16/2011) (Entered: 08/16/2011)
08/18/2011	255	MOTION to Compel <i>and Memorandum of Points and Authorities in Support Thereof</i> filed by William Blazinski, David C. Dufrane, Tim Michael Josephs, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares: Veterans Rights Organization, Vietnam Veterans of America.

		Motion Hearing set for 9/22/2011 02:00 PM in Courtroom E, 15th Floor, San Francisco before Magistrate Judge Jacqueline Scott Corley. Responses due by 9/1/2011. Replies due by 9/8/2011. (Attachments: # 1 Proposed Order) (Erspamer, Gordon) (Filed on 8/18/2011) Modified on 8/19/2011 (cp, COURT STAFF). (Entered: 08/18/2011)
08/18/2011	256	Declaration of Laura O'Neill in Support of 255 MOTION to Compel filed by William Blazinski, David C. Dufrane, Tim Michael Josephs, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares: Veterans Rights Organization, Vietnam Veterans of America. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E, # 6 Exhibit F, # 7 Exhibit G, # 8 Exhibit H, # 9 Exhibit I, # 10 Exhibit J, # 11 Exhibit K, # 12 Exhibit L, # 13 Exhibit M-1, # 14 Exhibit M-2, # 15 Exhibit N, # 16 Exhibit O, # 17 Exhibit P)(Related document(s) 255) (Erspamer, Gordon) (Filed on 8/18/2011) Modified on 8/19/2011 (cp, COURT STAFF). (Entered: 08/18/2011)
08/18/2011	257	REPLY (re 245 MOTION for Judgment on the Pleadings <i>and, In the Alternative, Motion for Summary Judgment</i>) filed by Central Intelligence Agency, Robert M. Gates, Pete Geren, Eric H. Holder, Jr, Leon Panetta, Eric K. Shinseki, United States Department of Defense, United States Department of Veterans Affairs, United States Department of the Army, United States Secretary of Veterans Affairs, United States of America. (Attachments: # 1 Declaration of Kimberly L. Herb, # 2 Exhibit A to Herb Declaration)(Herb, Kimberly) (Filed on 8/18/2011) (Entered: 08/18/2011)
08/18/2011	258	MOTION to Compel <i>Rule 30(b)(6) Depositions and Production of Documents and Memorandum of Points and Authorities in Support Thereof</i> filed by William Blazinski, David C. Dufrane, Tim Michael Josephs, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares: Veterans Rights Organization, Vietnam Veterans of America. Motion Hearing set for 9/22/2011 02:00 PM in Courtroom E, 15th Floor, San Francisco before Magistrate Judge Jacqueline Scott Corley. Responses due by 9/1/2011. Replies due by 9/15/2011. (Attachments: # 1 Proposed Order)(Erspamer, Gordon) (Filed on 8/18/2011) Modified on 8/19/2011 (cp, COURT STAFF). Modified on 8/19/2011 (cp, COURT STAFF). (Entered: 08/18/2011)
08/18/2011	259	Declaration of Ben Patterson in Support of 258 MOTION to Compel <i>Rule 30 (b)(6) Depositions and Production of Documents</i> filed by William Blazinski, David C. Dufrane, Tim Michael Josephs, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares: Veterans Rights Organization, Vietnam Veterans of America. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E, # 6 Exhibit F, # 7 Exhibit G, # 8 Exhibit H, # 9 Exhibit I, # 10 Exhibit J, # 11 Exhibit K, *** # 12 Exhibit L REMOVED, PURSUANT TO ORDER # 265 . SEE DOCUMENT # 261 FOR CORRECTED VERSION OF EXHIBIT L *** , # 13 Exhibit M, # 14 Exhibit N, # 15 Exhibit O, # 16 Exhibit P, # 17 Exhibit Q, # 18 Exhibit R, # 19 Exhibit S, # 20 Exhibit T, # 21 Exhibit U, # 22 Exhibit V, # 23 Exhibit W, # 24 Exhibit X, # 25 Exhibit Y, # 26 Exhibit Z, # 27 Exhibit AA, # 28 Exhibit BB, # 29 Exhibit CC)(Related document(s) 258) (Erspamer, Gordon) (Filed on 8/18/2011) Modified on 8/19/2011 (cp, COURT

		STAFF). Modified on 8/19/2011 (ewn, COURT STAFF). Modified on 8/23/2011 (cpS, COURT STAFF). (Entered: 08/18/2011)
08/18/2011	260	MOTION to Extend Discovery of CIA <i>and Memorandum of Points and Authorities in Support Thereof</i> filed by William Blazinski, David C. Dufrane, Tim Michael Josephs, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares: Veterans Rights Organization, Vietnam Veterans of America. Motion Hearing set for 9/22/2011 02:00 PM in Courtroom E, 15th Floor, San Francisco before Magistrate Judge Jacqueline Scott Corley. Responses due by 9/1/2011. Replies due by 9/15/2011. (Attachments: # 1 Proposed Order)(Erspamer, Gordon) (Filed on 8/18/2011) Modified on 8/19/2011 (cp, COURT STAFF). (Entered: 08/18/2011)
08/19/2011	261	EXHIBITS re 259 Declaration in Support,,,, <i>Exhibit L</i> filed by William Blazinski, David C. Dufrane, Tim Michael Josephs, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares: Veterans Rights Organization, Vietnam Veterans of America. (Related document(s) 259) (Erspamer, Gordon) (Filed on 8/19/2011) (Entered: 08/19/2011)
08/19/2011	262	MOTION to Remove Incorrectly Filed Document filed by William Blazinski, David C. Dufrane, Tim Michael Josephs, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares: Veterans Rights Organization, Vietnam Veterans of America. (Attachments: # 1 Proposed Order)(Erspamer, Gordon) (Filed on 8/19/2011) (Entered: 08/19/2011)
08/22/2011	263	Consent MOTION to Remove Incorrectly Filed Document filed by Central Intelligence Agency, Robert M. Gates, Pete Geren, Eric H. Holder, Jr, Leon Panetta, Eric K. Shinseki, United States Department of Defense, United States Department of Veterans Affairs, United States Department of the Army, United States Secretary of Veterans Affairs, United States of America. (Littleton, Judson) (Filed on 8/22/2011) (Entered: 08/22/2011)
08/22/2011	264	Consent Administrative Motion to File Under Seal filed by Central Intelligence Agency, Robert M. Gates, Pete Geren, Eric H. Holder, Jr, Leon Panetta, Eric K. Shinseki, United States Department of Defense, United States Department of Veterans Affairs, United States Department of the Army, United States Secretary of Veterans Affairs, United States of America. (Attachments: # 1 Declaration, # 2 Proposed Order)(Littleton, Judson) (Filed on 8/22/2011) (Entered: 08/22/2011)
08/22/2011	265	ORDER by Magistrate Judge Jacqueline Scott Corley granting 262 Motion to Remove Incorrectly Filed Document (ahm, COURT STAFF) (Filed on 8/22/2011) (Entered: 08/22/2011)
08/23/2011	266	MOTION to Amend/Correct 238 Scheduling Order filed by Central Intelligence Agency, Robert M. Gates, Pete Geren, Leon Panetta, Eric K. Shinseki, United States Department of Defense, United States Department of Veterans Affairs, United States Department of the Army, United States Secretary of Veterans Affairs, United States of America. Motion Hearing set for 9/29/2011 02:00 PM in Courtroom 2, 4th Floor, Oakland before Hon. Claudia Wilken. Responses due by 9/6/2011. Replies due by 9/13/2011. (Attachments: # 1 Declaration, # 2 Proposed Order)(Gardner, Joshua) (Filed

		on 8/23/2011) Modified on 8/24/2011 (cp, COURT STAFF). (Entered: 08/23/2011)
08/23/2011	267	Order granting 263 Motion to Remove Incorrectly Filed Document 245-5 entered by Hon. Claudia Wilken. (This is a text-only entry generated by the court. There is no document associated with this entry.) (Entered: 08/23/2011)
08/23/2011	268	Order granting 264 Administrative Motion to File Under Seal Exhibit D entered by Hon. Claudia Wilken. (This is a text-only entry generated by the court. There is no document associated with this entry.) (Entered: 08/23/2011)
08/24/2011	269	DOCUMENT E-FILED UNDER SEAL re 268 Order on Administrative Motion to File Under Seal <i>Exhibit D, Dkt. 245-5</i> by Central Intelligence Agency, Robert M. Gates, Pete Geren, Eric H. Holder, Jr, Leon Panetta, Eric K. Shinseki, United States Department of Defense, United States Department of Veterans Affairs, United States Department of the Army, United States Secretary of Veterans Affairs, United States of America. (Littleton, Judson) (Filed on 8/24/2011) (Entered: 08/24/2011)
08/25/2011	270	ORDER CONCERNING BRIEFING ON DEFENDANTS CENTRAL INTELLIGENCE AGENCY AND MICHAEL J. MORRELL'S 266 MOTION TO AMEND THE SCHEDULING ORDER. Responses due by 8/29/2011. Replies due by 8/31/2011. Motion Hearing set for 9/1/2011 02:00 PM before Hon. Claudia Wilken. Signed by Judge Claudia Wilken on 8/25/2011. (ndr, COURT STAFF) (Filed on 8/25/2011) Modified on 8/26/2011 (cp, COURT STAFF). (Entered: 08/25/2011)
08/26/2011		Set/Reset Deadlines as to 266 MOTION to Amend/Correct. Replies due by 8/31/2011, pursuant to document # 270 (cp, COURT STAFF) (Filed on 8/26/2011) (Entered: 08/26/2011)
08/26/2011	271	STIPULATION to Extend Briefing Schedule re 252 MOTION for Protective Order Limiting Discovery; (Proposed) Order by Central Intelligence Agency, Robert M. Gates, Pete Geren, Leon Panetta, Eric K. Shinseki, United States Department of Defense, United States Department of Veterans Affairs, United States Department of the Army, United States Secretary of Veterans Affairs, United States of America, Vietnam Veterans of America, et al . (Attachments: # 1 Declaration of Kimberly L. Herb)(Herb, Kimberly) (Filed on 8/26/2011) Modified on 8/29/2011 (cp, COURT STAFF). (Entered: 08/26/2011)
08/29/2011	272	RESPONSE (re 266 MOTION to Amend/Correct 238 Scheduling Order filed by William Blazinski, David C. Dufrane, Tim Michael Josephs, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares: Veterans Rights Organization, Vietnam Veterans of America. (Attachments: # 1 Declaration, # 2 Exhibit A)(Erspamer, Gordon) (Filed on 8/29/2011) Modified on 8/30/2011 (cp, COURT STAFF). (Entered: 08/29/2011)
08/30/2011	273	ORDER OF REFERENCE TO MAGISTRATE JUDGE AND EXTENDING BRIEFING SCHEDULE. Signed by Judge Claudia Wilken on 8/30/2011. (ndr, COURT STAFF) (Filed on 8/30/2011) (Entered: 08/30/2011)
08/31/2011	274	REPLY (re 266 MOTION to Amend/Correct 238 Scheduling filed by Central

		Intelligence Agency, Robert M. Gates, Pete Geren, Leon Panetta, Eric K. Shinseki, United States Department of Defense, United States Department of Veterans Affairs, United States Department of the Army, United States Secretary of Veterans Affairs, United States of America. (Attachments: # 1 Declaration, # 2 Exhibit)(Gardner, Joshua) (Filed on 8/31/2011) Modified on 9/1/2011 (cp, COURT STAFF). (Entered: 08/31/2011)
08/31/2011	275	RESPONSE (re 252 MOTION for Protective Order <i>Limiting Discovery</i>) filed byWilliam Blazinski, David C. Dufrane, Tim Michael Josephs, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares: Veterans Rights Organization, Vietnam Veterans of America. (Erspamer, Gordon) (Filed on 8/31/2011) (Entered: 08/31/2011)
09/01/2011	276	RESPONSE (re 255 MOTION to Compel) filed byCentral Intelligence Agency, Robert M. Gates, Pete Geren, Leon Panetta, Eric K. Shinseki, United States Department of Defense, United States Department of Veterans Affairs, United States Department of the Army, United States Secretary of Veterans Affairs, United States of America. (Attachments: # 1 Declaration Lily Farel Declaration, # 2 Exhibit Exhibit A to Farel Declaration, # 3 Exhibit Exhibit B to Farel Declaration, # 4 Exhibit Exhibit C to Farel Declaration, # 5 Declaration Paul Black Declaration, # 6 Declaration Lisa Thomas Declaration, # 7 Declaration John J. Spinelli Declaratin, # 8 Exhibit Exhibit A to Spinelli Declaration)(Gardner, Joshua) (Filed on 9/1/2011) (Entered: 09/01/2011)
09/01/2011	277	RESPONSE (re 260 MOTION to Extend Discovery of CIA) filed byCentral Intelligence Agency, Robert M. Gates, Pete Geren, Leon Panetta, Eric K. Shinseki, United States Department of Defense, United States Department of Veterans Affairs, United States Department of the Army, United States Secretary of Veterans Affairs, United States of America. (Gardner, Joshua) (Filed on 9/1/2011) (Entered: 09/01/2011)
09/01/2011	278	RESPONSE (re 258 MOTION to Compel <i>Rule 30(b)(6) Depositions and Production of Documents</i> filed byCentral Intelligence Agency, Robert M. Gates, Pete Geren, Eric H. Holder, Jr, Leon Panetta, Eric K. Shinseki, United States Department of Defense, United States Department of Veterans Affairs, United States Department of the Army, United States Secretary of Veterans Affairs, United States of America. (Attachments: # 1 Proposed Order) (Littleton, Judson) (Filed on 9/1/2011) Modified on 9/2/2011 (cp, COURT STAFF). (Entered: 09/01/2011)
09/01/2011	279	Declaration of Joshua E. Gardner in Support of 278 Opposition/Response to Motion,, filed byCentral Intelligence Agency, Robert M. Gates, Pete Geren, Eric H. Holder, Jr, Leon Panetta, Eric K. Shinseki, United States Department of Defense, United States Department of Veterans Affairs, United States Department of the Army, United States Secretary of Veterans Affairs, United States of America. (Attachments: # 1 Exhibit A to Gardner Declaration, # 2 Exhibit B to Gardner Declaration, # 3 Exhibit C to Gardner Declaration, # 4 Exhibit D to Gardner Declaration, # 5 Exhibit E to Gardner Declaration, # 6 Exhibit F to Gardner Declaration, # 7 Exhibit G to Gardner Declaration, # 8 Exhibit H to Gardner Declaration, # 9 Exhibit I to Gardner Declaration, # 10 Exhibit J to Gardner Declaration, # 11 Exhibit K to Gardner Declaration, # 12 Declaration of Michael Kilpatrick, # 13 Declaration of Phyllis Bell, # 14

		Exhibit 1 to Bell Declaration, # 15 Exhibit 2 to Bell Declaration, # 16 Exhibit 3 to Bell Declaration, # 17 Exhibit 4 to Bell Declaration, # 18 Exhibit 5 to Bell Declaration, # 19 Declaration of Patsy D'Eramo, # 20 Declaration of Kevin Thomsen, # 21 Declaration of Lloyd Roberts, # 22 Declaration of Anthony Lee, # 23 Exhibit 1, Part 1, to Lee Declaration, # 24 Exhibit 1, Part 2, to Lee Declaration, # 25 Exhibit 2 to Lee Declaration, # 26 Declaration of Patricia Cameresi)(Related document(s) 278) (Littleton, Judson) (Filed on 9/1/2011) (Entered: 09/02/2011)
09/01/2011	284	Minute Entry: Motion Hearing held on 9/1/2011 before Claudia Wilken (Date Filed: 9/1/2011). (Court Reporter Diane Skillman.) (ndr, COURT STAFF) (Date Filed: 9/1/2011) (Entered: 09/07/2011)
09/02/2011	280	Stipulated Administrative Motion to File Under Seal filed by Central Intelligence Agency, Robert M. Gates, Pete Geren, Eric H. Holder, Jr, Leon Panetta, Eric K. Shinseki, United States Department of Defense, United States Department of Veterans Affairs, United States Department of the Army, United States Secretary of Veterans Affairs, United States of America, Vietnam Veterans of America, et al. (Attachments: # 1 Declaration, # 2 Proposed Order)(Littleton, Judson) (Filed on 9/2/2011) Modified on 9/6/2011 (cpS, COURT STAFF). (Entered: 09/02/2011)
09/02/2011	281	ORDER DENYING DEFENDANTS CENTRAL INTELLIGENCE AGENCY AND MICHAEL J. MORRELLS 245 MOTION FOR JUDGMENT ON THE PLEADINGS, DENYING WITHOUT PREJUDICE CENTRAL INTELLIGENCE AGENCY AND MICHAEL J. MORRELLS 266 MOTION TO AMEND THE SCHEDULING ORDER, AND GRANTING 252 SECTION I.A OF CENTRAL INTELLIGENCE AGENCY AND MICHAEL J. MORRELLS MOTION FOR A PROTECTIVE ORDER. Signed by Judge Claudia Wilken on 9/2/2011. (ndr, COURT STAFF) (Filed on 9/2/2011) (Entered: 09/02/2011)
09/06/2011	282	Order granting 280 Administrative Motion to File Under Seal entered by Hon. Claudia Wilken. (This is a text-only entry generated by the court. There is no document associated with this entry.) (Entered: 09/06/2011)
09/07/2011	283	DOCUMENT E-FILED UNDER SEAL re 282 Order on Administrative Motion to File Under Seal <i>Exhibit 2 to Lee Declaration</i> by Central Intelligence Agency, Robert M. Gates, Pete Geren, Eric H. Holder, Jr, Leon Panetta, Eric K. Shinseki, United States Department of Defense, United States Department of Veterans Affairs, United States Department of the Army, United States Secretary of Veterans Affairs, United States of America. (Attachments: # 1 Exhibit 1, Part 1 of 9, to Bell Declaration, # 2 Exhibit 1, Part 2 of 9, to Bell Declaration, # 3 Exhibit 1, Part 3 of 9, to Bell Declaration, # 4 Exhibit 1, Part 4 of 9, to Bell Declaration, # 5 Exhibit 1, Part 5 of 9, to Bell Declaration, # 6 Exhibit 1, Part 6 of 9, to Bell Declaration, # 7 Exhibit 1, Part 7 of 9, to Bell Declaration, # 8 Exhibit 1, Part 8 of 9, to Bell Declaration, # 9 Exhibit 1, Part 9 of 9, to Bell Declaration, # 10 Exhibit 2, Part 1 of 21, to Bell Declaration, # 11 Exhibit 2, Part 2 of 21, to Bell Declaration, # 12 Exhibit 2, Part 3 of 21, to Bell Declaration, # 13 Exhibit 2, Part 4 of 21, to Bell Declaration, # 14 Exhibit 2, Part 5 of 21, to Bell Declaration, # 15 Exhibit 2, Part 6 of 21, to Bell Declaration, # 16 Exhibit 2, Part 7 of 21, to Bell

		Declaration, # 17 Exhibit 2, Part 8 of 21, to Bell Declaration, # 18 Exhibit 2, Part 9 of 21, to Bell Declaration, # 19 Exhibit 2, Part 10 of 21, to Bell Declaration, # 20 Exhibit 2, Part 11 of 21, to Bell Declaration, # 21 Exhibit 2, Part 12 of 21, to Bell Declaration, # 22 Exhibit 2, Part 13 of 21, to Bell Declaration, # 23 Exhibit 2, Part 14 of 21, to Bell Declaration, # 24 Exhibit 2, Part 15 of 21, to Bell Declaration, # 25 Exhibit 2, Part 16 of 21, to Bell Declaration, # 26 Exhibit 2, Part 17 of 21, to Bell Declaration, # 27 Exhibit 2, Part 18 of 21, to Bell Declaration, # 28 Exhibit 2, Part 19 of 21, to Bell Declaration, # 29 Exhibit 2, Part 20 of 21, to Bell Declaration, # 30 Exhibit 2, Part 21 of 21, to Bell Declaration, # 31 Exhibit 3, Part 1 of 10, to Bell Declaration, # 32 Exhibit 3, Part 2 of 10, to Bell Declaration, # 33 Exhibit 3, Part 3 of 10, to Bell Declaration, # 34 Exhibit 3, Part 4 of 10, to Bell Declaration, # 35 Exhibit 3, Part 5 of 10, to Bell Declaration, # 36 Exhibit 3, Part 6 of 10, to Bell Declaration, # 37 Exhibit 3, Part 7 of 10, to Bell Declaration, # 38 Exhibit 3, Part 8 of 10, to Bell Declaration, # 39 Exhibit 3, Part 9 of 10, to Bell Declaration, # 40 Exhibit 3, Part 10 of 10, to Bell Declaration, # 41 Exhibit 4 to Bell Declaration, # 42 Exhibit 5, Part 1 of 3, to Bell Declaration, # 43 Exhibit 5, Part 2 of 3, to Bell Declaration, # 44 Exhibit 5, Part 3 of 3, to Bell Declaration)(Littleton, Judson) (Filed on 9/7/2011) (Entered: 09/07/2011)
09/08/2011	285	REPLY (re 260 MOTION to Extend Discovery of CIA) filed by William Blazinski, David C. Dufrane, Tim Michael Josephs, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares: Veterans Rights Organization, Vietnam Veterans of America. (Erspamer, Gordon) (Filed on 9/8/2011) (Entered: 09/08/2011)
09/09/2011	286	REPLY (re 252 MOTION for Protective Order <i>Limiting Discovery</i>) filed by Central Intelligence Agency, Robert M. Gates, Pete Geren, Leon Panetta, Eric K. Shinseki, United States Department of Defense, United States Department of Veterans Affairs, United States Department of the Army, United States Secretary of Veterans Affairs, United States of America. (Attachments: # 1 Declaration of Kimberly L. Herb, # 2 Exhibit A to Herb Decl., # 3 Exhibit B to Herb Decl., # 4 Exhibit C to Herb Decl., # 5 Exhibit D to Herb Decl.)(Herb, Kimberly) (Filed on 9/9/2011) (Entered: 09/09/2011)
09/14/2011		Set/Reset Deadlines as to 252 MOTION for Protective Order <i>Limiting Discovery</i> . Motion Hearing set for 9/22/2011 02:00 PM in Courtroom F, 15th Floor, San Francisco before Magistrate Judge Jacqueline Scott Corley. (ahm, COURT STAFF) (Filed on 9/14/2011) (Entered: 09/14/2011)
09/15/2011	287	REPLY (re 255 MOTION to Compel) filed by William Blazinski, David C. Dufrane, Tim Michael Josephs, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Vietnam Veterans of America. (Erspamer, Gordon) (Filed on 9/15/2011) (Entered: 09/15/2011)
09/15/2011	288	Declaration of Stacey Sprenkel in Support of 287 Reply to Opposition/Response <i>in Support of Motion to Compel</i> 255 filed by William Blazinski, David C. Dufrane, Tim Michael Josephs, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Vietnam Veterans of America. (Attachments: # 1 Exhibit A)(Related document(s) 287) (Erspamer, Gordon) (Filed on 9/15/2011) (Entered: 09/15/2011)

09/15/2011	289	REPLY (re 258 MOTION to Compel <i>Rule 30(b)(6) Depositions and Production of Documents</i> filed by William Blazinski, David C. Dufrane, Tim Michael Josephs, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares: Veterans Rights Organization, Vietnam Veterans of America. (Erspamer, Gordon) (Filed on 9/15/2011) Modified on 9/16/2011 (cpS, COURT STAFF). (Entered: 09/15/2011)
09/15/2011	290	Declaration of Ben Patterson in Support of 289 Reply to Opposition/Response,, <i>in Support of Motion to Compel Rule 30(B)(6) Depositions and Production of Documents</i> 258 filed by William Blazinski, David C. Dufrane, Tim Michael Josephs, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares: Veterans Rights Organization, Vietnam Veterans of America. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E, # 6 Exhibit F, # 7 Exhibit G, # 8 Exhibit H, # 9 Exhibit I, # 10 Exhibit J, # 11 Exhibit K)(Related document(s) 289) (Erspamer, Gordon) (Filed on 9/15/2011) (Entered: 09/15/2011)
09/15/2011	291	Declaration of Gordon P. Erspamer in Support of 289 Reply to Opposition/Response,, <i>in Support of Motion to Compel Rule 30(B)(6) Depositions and Production of Documents</i> 258 filed by William Blazinski, David C. Dufrane, Tim Michael Josephs, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares: Veterans Rights Organization, Vietnam Veterans of America. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E, # 6 Exhibit F, # 7 Exhibit G)(Related document(s) 289) (Erspamer, Gordon) (Filed on 9/15/2011) (Entered: 09/15/2011)
09/19/2011		CLERKS NOTICE. Notice is hereby given that the Pretrial Conference, previously set for Tuesday, June 12, 2012, is continued to Wednesday, June 13, 2012, at 2:00 p.m., in Courtroom 2, 4th Floor, 1301 Clay Street, Oakland, CA 94612. (This is a text only docket entry, there is no document associated with this notice.) (ndr, COURT STAFF) (Filed on 9/19/2011) (Entered: 09/19/2011)
09/23/2011	292	Minute Entry: Motion Hearing held on 9/22/2011 before Magistrate Judge Jacqueline Scott Corley (Date Filed: 9/23/2011) re 255 MOTION to Compel filed by Eric P. Muth, Larry Meirow, Swords to Plowshares: Veterans Rights Organization, David C. Dufrane, Franklin D. Rochelle, Bruce Price, Vietnam Veterans of America, William Blazinski, Tim Michael Josephs, 260 MOTION to Extend Discovery of CIA filed by Eric P. Muth, Larry Meirow, Swords to Plowshares: Veterans Rights Organization, David C. Dufrane, Franklin D. Rochelle, Bruce Price, Vietnam Veterans of America, William Blazinski, Tim Michael Josephs, 258 MOTION to Compel <i>Rule 30(b)(6) Depositions and Production of Documents</i> MOTION to Compel <i>Rule 30(b)(6) Depositions and Production of Documents</i> MOTION to Compel <i>Rule 30(b)(6) Depositions and Production of Documents</i> filed by Eric P. Muth, Larry Meirow, Swords to Plowshares: Veterans Rights Organization, David C. Dufrane, Franklin D.

		Rochelle, Bruce Price, Vietnam Veterans of America, William Blazinski, Tim Michael Josephs, 252 MOTION for Protective Order <i>Limiting Discovery</i> filed by United States Department of Defense, Leon Panetta, United States Department of the Army, Eric H. Holder, Jr., Central Intelligence Agency, United States of America, United States Secretary of Veterans Affairs, Robert M. Gates, Eric K. Shinseki, Pete Geren, United States Department of Veterans Affairs. (Court Reporter: Sahar Bartlett) (ahm, COURT STAFF) (Date Filed: 9/23/2011) (Entered: 09/23/2011)
09/30/2011	293	Transcript of Proceedings held on 9/22/11, before Judge Jacqueline Scott Corley. Court Reporter/Transcriber Sahar Bartlett, CSR, RPR, Telephone number (415) 626-6060/sahar_bartlett@cand.uscourts.gov. Per General Order No. 59 and Judicial Conference policy, this transcript may be viewed only at the Clerks Office public terminal or may be purchased through the Court Reporter/Transcriber until the deadline for the Release of Transcript Restriction.After that date it may be obtained through PACER. Any Notice of Intent to Request Redaction, if required, is due no later than 5 business days from date of this filing. Release of Transcript Restriction set for 12/29/2011. (Bartlett, Sahar) (Filed on 9/30/2011) (Entered: 09/30/2011)
10/05/2011	294	ORDER RE: DEFENDANTS MOTION FOR A PROTECTIVE ORDER (Dkt. No. 252), PLAINTIFFS MOTION TO COMPEL (Dkt. No. 255), PLAINTIFFS MOTION TO COMPEL RULE 30(B)(6) DEPOSITIONS AND PRODUCTION OF DOCUMENTS (Dkt. No. 258), AND PLAINTIFFS MOTION TO EXTEND DISCOVERY (Dkt. No. 260). Signed by Magistrate Judge Jacqueline Scott Corley on 10/5/2011. (ahm, COURT STAFF) (Filed on 10/5/2011) (Entered: 10/05/2011)
10/07/2011	295	MOTION to Extend Case Deadlines filed by William Blazinski, David C. Dufrane, Tim Michael Josephs, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares: Veterans Rights Organization, Vietnam Veterans of America. Responses due by 10/11/2011. (Attachments: # 1 Declaration of Ben Patterson, # 2 Exhibit A, # 3 Exhibit B, # 4 Exhibit C, # 5 Exhibit D, # 6 Exhibit E, # 7 Exhibit F, # 8 Exhibit G, # 9 Exhibit H, # 10 Exhibit I, # 11 Proposed Order)(Erspamer, Gordon) (Filed on 10/7/2011) Modified on 10/11/2011 (cp, COURT STAFF). (Entered: 10/07/2011)
10/11/2011	296	MOTION for Relief From Non-Dispositive Pretrial Order of Magistrate Judge re 294 Order, filed by Central Intelligence Agency, Robert M. Gates, Pete Geren, Eric H. Holder, Jr, Leon Panetta, Eric K. Shinseki, United States Department of Defense, United States Department of Veterans Affairs, United States Department of the Army, United States Secretary of Veterans Affairs, United States of America. Responses due by 10/25/2011. Replies due by 11/1/2011. (Attachments: # 1 Proposed Order)(Littleton, Judson) (Filed on 10/11/2011) Modified on 10/12/2011 (cp, COURT STAFF). (Entered: 10/11/2011)
10/11/2011	297	RESPONSE (re 295 MOTION to Extend Case Deadlines) filed by Central Intelligence Agency, Robert M. Gates, Pete Geren, Eric H. Holder, Jr, Leon Panetta, Eric K. Shinseki, United States Department of Defense, United States Department of Veterans Affairs, United States Department of the Army, United States Secretary of Veterans Affairs, United States of America.

		(Attachments: # 1 Declaration of Lily Farel, # 2 Exhibit A to Declaration, # 3 Exhibit B to Declaration, # 4 Exhibit C to Declaration, # 5 Exhibit D to Declaration, # 6 Exhibit E to Declaration, # 7 Exhibit F to Declaration, # 8 Exhibit G to Declaration)(Farel, Lily) (Filed on 10/11/2011) (Entered: 10/11/2011)
10/12/2011	298	NOTICE of submission for ex parte in camera review by United States Department of Veterans Affairs (Farel, Lily) (Filed on 10/12/2011) Modified on 10/13/2011 (cp, COURT STAFF). (Entered: 10/12/2011)
10/12/2011	299	<i>Joint Statement of Discovery Dispute Concerning Depositions and Navy and Air Force Document Production</i> by William Blazinski, David C. Dufrane, Tim Michael Josephs, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares: Veterans Rights Organization, Vietnam Veterans of America. (Erspamer, Gordon) (Filed on 10/12/2011) Modified on 10/13/2011 (cp, COURT STAFF). (Entered: 10/12/2011)
10/12/2011	300	<i>Joint Statement of Discovery Dispute Concerning Magnetic Tapes Regarding Database of Edgewood Test Participants and Project "Often" Documents</i> by William Blazinski, David C. Dufrane, Tim Michael Josephs, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares: Veterans Rights Organization, Vietnam Veterans of America. (Erspamer, Gordon) (Filed on 10/12/2011) Modified on 10/13/2011 (cp, COURT STAFF). (Entered: 10/12/2011)
10/13/2011	301	Letter from Gordon P. Erspamer <i>to Judge Corley enclosing documents for consideration at Status Conference this date at 1:30PM.</i> (Erspamer, Gordon) (Filed on 10/13/2011) (Entered: 10/13/2011)
10/13/2011	302	Minute Entry: Telephonic Discovery Hearing held on 10/13/2011 before Magistrate Judge Jacqueline Scott Corley (Date Filed: 10/13/2011). (FTR 1:35-2:28) (ahm, COURT STAFF) (Date Filed: 10/13/2011) (Entered: 10/13/2011)
10/13/2011		***Deadlines terminated. 302 Telephonic Discovery Hearing. (ahm, COURT STAFF) (Filed on 10/13/2011) (Entered: 10/13/2011)
10/14/2011	303	ORDER RE: JOINT STATEMENTS OF DISCOVERY DISPUTES FILED OCTOBER 12, 2011 (Dkt. Nos. 299 & 300). Signed by Magistrate Judge Jacqueline Scott Corley on 10/14/2011. (ahm, COURT STAFF) (Filed on 10/14/2011) (Entered: 10/14/2011)
10/19/2011	304	ORDER REFERRING PLAINTIFFS 295 ADMINISTRATIVE MOTION TO EXTEND CASE DEADLINES TO MAGISTRATE JUDGE AND SUBSTITUTING DEFENDANTS. Signed by Judge Claudia Wilken on 10/19/2011. (ndr, COURT STAFF) (Filed on 10/19/2011) (Entered: 10/19/2011)
10/19/2011	305	CLERKS NOTICE SCHEDULING TELEPHONE CONFERENCE. Telephone Conference set for 10/31/2011 at 10:30 a.m. before Magistrate Judge Jacqueline Scott Corley. (ahm, COURT STAFF) (Filed on 10/19/2011) (Entered: 10/19/2011)

10/20/2011	306	Transcript of Proceedings of the Official Electronic Sound Recording held on October 13, 2011, before Magistrate Judge Jacqueline Scott Corley. Transcriber Stacy Wegner, Email address: smwtyping@yahoo.com; Telephone number: (859-539-2802). Per General Order No. 59 and Judicial Conference policy, this transcript may be viewed only at the Clerks Office public terminal or may be purchased through the Transcriber until the deadline for the Release of Transcript Restriction. After that date it may be obtained through PACER. Any Notice of Intent to Request Redaction, if required, is due no later than 5 business days from date of this filing. Release of Transcript Restriction set for 1/18/2012. (djc, COURT STAFF) (Filed on 10/20/2011) (Entered: 10/20/2011)
10/21/2011	307	<i>Plaintiffs' Supplemental Brief Concerning Depositions and Navy and Air Force Document Production</i> filed by William Blazinski, David C. Dufrane, Tim Michael Josephs, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares: Veterans Rights Organization, Vietnam Veterans of America. (Attachments: # 1 Attachment A) (Erspamer, Gordon) (Filed on 10/21/2011) Modified on 10/24/2011 (cp, COURT STAFF). (Entered: 10/21/2011)
10/21/2011	308	Declaration of Gordon P. Erspamer <i>in Support of Plaintiffs' Supplemental Brief Concerning Depositions and Navy and Air Force Document Production</i> filed by William Blazinski, David C. Dufrane, Tim Michael Josephs, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares: Veterans Rights Organization, Vietnam Veterans of America. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E, # 6 Exhibit F, # 7 Exhibit G, # 8 Exhibit H, # 9 Exhibit I, # 10 Exhibit J, # 11 Exhibit K, # 12 Exhibit L, # 13 Exhibit M) (Erspamer, Gordon) (Filed on 10/21/2011) (Entered: 10/21/2011)
10/24/2011	309	EXHIBITS re 308 Declaration in Support,, <i>Exhibit E to Declaration of Gordon P. Erspamer in Support of Plaintiffs' Supplemental Brief Concerning Depositions and Navy and Air Force Document Production</i> filed by William Blazinski, David C. Dufrane, Tim Michael Josephs, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares: Veterans Rights Organization, Vietnam Veterans of America. (Related document(s) 308) (Erspamer, Gordon) (Filed on 10/24/2011) (Entered: 10/24/2011)
10/24/2011	310	MOTION RELIEF FROM PORTION OF NON-DISPOSITIVE PRETRIAL ORDER OF MAGISTRATE JUDGE re 294 Order, filed by William Blazinski, David C. Dufrane, Tim Michael Josephs, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares: Veterans Rights Organization, Vietnam Veterans of America. Responses due by 11/7/2011. Replies due by 11/14/2011. (Attachments: # 1 Proposed Order) (Erspamer, Gordon) (Filed on 10/24/2011) (Entered: 10/24/2011)
10/25/2011	311	ORDER RE: DEFENDANT DEPARTMENT OF VETERANS AFFAIRS IN CAMERA SUBMISSION OF DOCUMENTS. Signed by Magistrate Judge Jacqueline Scott Corley on 10/25/2011. (ahm, COURT STAFF) (Filed on 10/25/2011) (Entered: 10/25/2011)
10/28/2011	312	CLERKS NOTICE DEEMING 296 OBJECTION DENIED. (ndr, COURT

		STAFF) (Filed on 10/28/2011) (Entered: 10/28/2011)
10/31/2011	313	Minute Entry: Telephonic Discovery Hearing held on 10/31/2011 before Magistrate Judge Jacqueline Scott Corley (Date Filed: 10/31/2011). (Court Reporter: Jim Yeomans) (ahm, COURT STAFF) (Date Filed: 10/31/2011) (Entered: 10/31/2011)
10/31/2011	314	REPORT AND RECOMMENDATIONS re 295 MOTION to Extend Case Deadlines filed by Eric P. Muth, Larry Meirov, Swords to Plowshares: Veterans Rights Organization, David C. Dufrane, Franklin D. Rochelle, Bruce Price, Vietnam Veterans of America, William Blazinski, Tim Michael Josephs Objections due by 11/14/2011. Signed by Magistrate Judge Jacqueline Scott Corley on 10/31/2011. (ahm, COURT STAFF) (Filed on 10/31/2011) (Entered: 10/31/2011)
11/02/2011	315	MOTION for Extension of Time to File <i>In Camera Submission</i> filed by Eric K. Shinseki, United States Department of Veterans Affairs, United States Secretary of Veterans Affairs. (Attachments: # 1 Declaration of Lily Sara Farel)(Farel, Lily) (Filed on 11/2/2011) (Entered: 11/02/2011)
11/02/2011	316	ORDER by Magistrate Judge Jacqueline Scott Corley granting 315 Motion for Extension of Time to File (ahm, COURT STAFF) (Filed on 11/2/2011) (Entered: 11/02/2011)
11/04/2011	317	RESPONSE to re 307 Brief, <i>re Depositions and Navy/Air Force Subpoenas</i> by Central Intelligence Agency, John McHugh, Leon E. Panetta, David H Petraeus, Eric K. Shinseki, United States Department of Defense, United States Department of Veterans Affairs, United States Department of the Army, United States Secretary of Veterans Affairs, United States of America. (Attachments: # 1 Declaration of Joshua Gardner, # 2 Exhibit A to Gardner Declaration, # 3 Exhibit B to Gardner Declaration, # 4 Exhibit C to Gardner Declaration, # 5 Exhibit D to Gardner Declaration, # 6 Exhibit E to Gardner Declaration, # 7 Exhibit F to Gardner Declaration, # 8 Exhibit G to Gardner Declaration, # 9 Exhibit H to Gardner Declaration, # 10 Exhibit I to Gardner Declaration, # 11 Exhibit J to Gardner Declaration, # 12 Exhibit K to Gardner Declaration, # 13 Exhibit L to Gardner Declaration, # 14 Exhibit M to Gardner Declaration, # 15 Declaration of Penny Sayle, # 16 Declaration of D.J. Sherman)(Bowen, Brigham) (Filed on 11/4/2011) (Entered: 11/04/2011)
11/07/2011	318	Letter from Gordon P. Erspamer and Joshua E. Gardner - <i>Joint Letter Concerning Discovery Status and Disputes</i> . (Erspamer, Gordon) (Filed on 11/7/2011) (Entered: 11/07/2011)
11/09/2011	319	Letter from Gordon P. Erspamer to Magistrate Judge Jacqueline Scott Corley. (Erspamer, Gordon) (Filed on 11/9/2011) (Entered: 11/09/2011)
11/09/2011	320	CLERKS NOTICE DEEMING OBJECTION DENIED. (ndr, COURT STAFF) (Filed on 11/9/2011) (Entered: 11/09/2011)
11/10/2011	321	NOTICE by Eric K. Shinseki, United States Department of Veterans Affairs, United States Secretary of Veterans Affairs of <i>Submission of Documents for In Camera Review</i> (Attachments: # 1 Exhibit A: Index of documents submitted for in camera review)(Farel, Lily) (Filed on 11/10/2011) (Entered: 11/10/2011)

11/11/2011	322	REPLY in Support of 307 Supplemental Brief Concerning Depositions and Navy and Air Force Document Production by William Blazinski, David C. Dufrane, Tim Michael Josephs, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares: Veterans Rights Organization, Vietnam Veterans of America. (Attachments: # 1 Declaration of Gordon P. Erspamer, # 2 Exhibit A, # 3 Exhibit B)(Erspamer, Gordon) (Filed on 11/11/2011) Modified on 11/14/2011 (kc, COURT STAFF). (Entered: 11/11/2011)
11/14/2011	323	MOTION for Leave to File <i>Supplemental Information</i> filed by Central Intelligence Agency, John McHugh, Leon E. Panetta, David H Petraeus, Eric K. Shinseki, United States Department of Defense, United States Department of Veterans Affairs, United States Department of the Army, United States Secretary of Veterans Affairs, United States of America. (Attachments: # 1 Supplemental Information re Cameresi Deposition, # 2 Proposed Order) (Herb, Kimberly) (Filed on 11/14/2011) (Entered: 11/14/2011)
11/15/2011	324	ERRATA re 323 MOTION for Leave to File <i>Supplemental Information</i> by Central Intelligence Agency, John McHugh, Leon E. Panetta, David H Petraeus, Eric K. Shinseki, United States Department of Defense, United States Department of Veterans Affairs, United States Department of the Army, United States Secretary of Veterans Affairs, United States of America. (Attachments: # 1 Corrected Supplemental Information re Cameresi Deposition)(Herb, Kimberly) (Filed on 11/15/2011) (Entered: 11/15/2011)
11/17/2011	325	ORDER RE: DISCOVERY DISPUTES CONCERNING DEPOSITIONS AND FURTHER DOCUMENT PRODUCTION (Docket No. 307). Signed by Magistrate Judge Jacqueline Scott Corley on 11/17/2011. (ahm, COURT STAFF) (Filed on 11/17/2011) (Entered: 11/17/2011)
11/18/2011	326	Transcript of Proceedings held on 10/31/11, before Judge Jacqueline Scott Corley. Court Reporter/Transcriber James Yeomans, Telephone number (415) 863-5179. Per General Order No. 59 and Judicial Conference policy, this transcript may be viewed only at the Clerks Office public terminal or may be purchased through the Court Reporter/Transcriber until the deadline for the Release of Transcript Restriction. After that date it may be obtained through PACER. Any Notice of Intent to Request Redaction, if required, is due no later than 5 business days from date of this filing. Release of Transcript Restriction set for 2/16/2012. (jjy, COURT STAFF) (Filed on 11/18/2011) (Entered: 11/18/2011)
11/23/2011	327	ORDER RE: DEFENDANT DEPARTMENT OF VETERANS AFFAIRS IN CAMERA SUBMISSION OF DOCUMENTS. Signed by Magistrate Judge Jacqueline Scott Corley on 11/23/2011. (ahm, COURT STAFF) (Filed on 11/23/2011) (Entered: 11/23/2011)
11/29/2011	328	NOTICE in response to court's November 23, 2011 re 327 Order by Eric K. Shinseki, United States Department of Veterans Affairs, United States Secretary of Veterans Affairs(Farel, Lily) (Filed on 11/29/2011) Modified on 11/30/2011 (cp, COURT STAFF). (Entered: 11/29/2011)
11/29/2011	329	MOTION FOR RELIEF FROM NON-DISPOSITIVE PRETRIAL ORDER

		OF MAGISTRATE JUDGE re 327 Order filed by Eric K. Shinseki, United States Department of Veterans Affairs, United States Secretary of Veterans Affairs. Responses due by 12/13/2011. Replies due by 12/20/2011. (Attachments: # 1 Proposed Order)(Farel, Lily) (Filed on 11/29/2011) (Entered: 11/29/2011)
11/30/2011	330	ORDER RE: JOINT LETTER CONCERNING DISCOVERY STATUS AND DISPUTES (Dkt. No. 318). Discovery Hearing set for 12/15/2011 at 09:00 AM in Courtroom F, 15th Floor, San Francisco before Magistrate Judge Jacqueline Scott Corley. Signed by Magistrate Judge Jacqueline Scott Corley on 11/30/2011. (ahm, COURT STAFF) (Filed on 11/30/2011) (Entered: 11/30/2011)
12/06/2011	331	ORDER ADOPTING MAGISTRATE JUDGE'S 314 REPORT AND RECOMMENDATION RE 295 MOTION TO EXTEND THE CASE DEADLINES. Further Case Management Conference set for 6/28/2012 02:00 PM. Motion Hearing set for 6/28/2012 02:00 PM before Hon. Claudia Wilken. Final Pretrial Conference set for 9/26/2012 02:00 PM. Bench Trial (20 day) set for 10/9/2012 08:30 AM before Hon. Claudia Wilken. Signed by Judge Claudia Wilken on 12/6/2011. (ndr, COURT STAFF) (Filed on 12/6/2011) (Entered: 12/06/2011)
12/07/2011	332	MOTION for Extension of Time to Complete Discovery <i>with Respect to Five Depositions</i> filed by William Blazinski, David C. Dufrane, Tim Michael Josephs, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares: Veterans Rights Organization, Vietnam Veterans of America. (Attachments: # 1 Declaration, # 2 Proposed Order)(Erspamer, Gordon) (Filed on 12/7/2011) Modified on 12/8/2011 (cp, COURT STAFF). (Entered: 12/07/2011)
12/09/2011	333	ORDER by Magistrate Judge Jacqueline Scott Corley granting 332 Motion for Extension of Time to Complete Discovery (ahm, COURT STAFF) (Filed on 12/9/2011) (Entered: 12/09/2011)
12/14/2011	334	<i>Plaintiffs' Supplemental Filing Concerning Magnetic Tapes</i> by William Blazinski, David C. Dufrane, Wray C. Forrest, Tim Michael Josephs, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares: Veterans Rights Organization, Vietnam Veterans of America. (Erspamer, Gordon) (Filed on 12/14/2011) Modified on 12/15/2011 (cp, COURT STAFF). (Entered: 12/14/2011)
12/14/2011	335	Statement : <i>Declaration of John Frederick Ashley Addressing Retrieivability of Data on Magnetic Tapes</i> by William Blazinski, David C. Dufrane, Wray C. Forrest, Tim Michael Josephs, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares: Veterans Rights Organization, Vietnam Veterans of America. (Attachments: # 1 Exhibit A, # 2 Exhibit B) (Erspamer, Gordon) (Filed on 12/14/2011) (Entered: 12/14/2011)
12/15/2011	336	CLERKS NOTICE DEEMING OBJECTION DENIED re 329 MOTION FOR RELIEF FROM NON-DISPOSITIVE PRETRIAL ORDER OF MAGISTRATE JUDGE re 327 Order. (ndr, COURT STAFF) (Filed on 12/15/2011) (Entered: 12/15/2011)

12/15/2011	337	Minute Entry: Discovery Hearing held on 12/15/2011 before Magistrate Judge Jacqueline Scott Corley (Date Filed: 12/15/2011). (Court Reporter: Belle Ball) (ahm, COURT STAFF) (Date Filed: 12/15/2011) (Entered: 12/15/2011)
12/16/2011	338	MOTION to Extend Fact Discovery Deadline and Unopposed Motion to Extend Other Case Deadlines and to Extend Fact Discovery Deadline with Respect to Two Depositions filed by William Blazinski, David C. Dufrane, Tim Michael Josephs, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares: Veterans Rights Organization, Vietnam Veterans of America. (Attachments: # 1 Declaration, # 2 Exhibit A, # 3 Exhibit B, # 4 Proposed Order)(Erspamer, Gordon) (Filed on 12/16/2011) Modified on 12/19/2011 (cp, COURT STAFF). (Entered: 12/16/2011)
12/19/2011	339	RESPONSE (re 338 MOTION for Extension of Time to Complete Discovery Plaintiffs' Motion to Extend Fact Discovery Deadline and Unopposed Motion to Extend Other Case Deadlines and to Extend Fact Discovery Deadline with Respect to Two Depositions) filed by Central Intelligence Agency, John McHugh, Leon E. Panetta, David H Petraeus, Eric K. Shinseki, United States Department of Defense, United States Department of Veterans Affairs, United States Department of the Army, United States Secretary of Veterans Affairs, United States of America. (Attachments: # 1 Declaration, # 2 Proposed Order) (Gardner, Joshua) (Filed on 12/19/2011) (Entered: 12/19/2011)
12/20/2011	340	REPORT AND RECOMMENDATIONS re 338 MOTION to Extend Fact Discovery Deadline and Unopposed Motion to Extend Other Case Deadlines and to Extend Fact Discovery Deadline with Respect to Two Depositions filed by Eric P. Muth, Larry Meirow, Swords to Plowshares: Veterans Rights Organization, David C. Dufrane, Franklin D. Rochelle, Bruce Price, Vietnam Veterans of America, William Blazinski, Tim Michael Josephs. Objections due by 1/3/2012. Signed by Magistrate Judge Jacqueline Scott Corley on 12/20/2011. (ahm, COURT STAFF) (Filed on 12/20/2011) (Entered: 12/20/2011)
12/22/2011	341	NOTICE of Appearance by Gordon P. Erspamer of Eugene Illovsy (Erspamer, Gordon) (Filed on 12/22/2011) (Entered: 12/22/2011)
12/22/2011	342	NOTICE of Appearance by Gordon P. Erspamer of James P. Bennett (Erspamer, Gordon) (Filed on 12/22/2011) (Entered: 12/22/2011)
12/22/2011	343	NOTICE of Change In Counsel by Gordon P. Erspamer Notice of Withdrawal of Adriano Hrvatin as Counsel for Plaintiffs (Erspamer, Gordon) (Filed on 12/22/2011) (Entered: 12/22/2011)
12/22/2011	344	NOTICE of Change In Counsel by Gordon P. Erspamer Notice of Withdrawal of Timothy W. Blakely as Counsel for Plaintiffs (Erspamer, Gordon) (Filed on 12/22/2011) (Entered: 12/22/2011)
12/28/2011	345	Transcript of Proceedings held on December 15, 2011, before Judge Jacqueline Scott Corley. Court Reporter/Transcriber Belle Ball, CSR, RMR, CRR, Telephone number (415)373-2529, belle_ball@cand.uscourts.gov. Per General Order No. 59 and Judicial Conference policy, this transcript may be viewed only at the Clerks Office public terminal or may be purchased through the Court Reporter/Transcriber until the deadline for the Release of Transcript

		Restriction. After that date it may be obtained through PACER. Any Notice of Intent to Request Redaction, if required, is due no later than 5 business days from date of this filing. Release of Transcript Restriction set for 3/27/2012. (Ball, Belle) (Filed on 12/28/2011) (Entered: 12/28/2011)
01/03/2012		Order adopting Report and Recommendations as to extending deadlines 340 entered by Hon. Claudia Wilken. (This is a text-only entry generated by the court. There is no document associated with this entry.) (Entered: 01/03/2012)
01/04/2012		Set/Reset Deadlines Motions due by 7/16/2012. Responses/Cross Motions due by 8/6/2012. Replies due by 8/20/2012. Replies due by 9/4/2012. Motion Hearing set for 10/11/2012 02:00 PM before Hon. Claudia Wilken. Case Management Statement due by 10/4/2012. Further Case Management Conference set for 10/11/2012 02:00 PM. Final Pretrial Conference set for 1/9/2013 02:00 PM. Bench Trial (20 days) set for 2/4/2013 08:30 AM before Hon. Claudia Wilken. (ndr, COURT STAFF) (Filed on 1/4/2012) (Entered: 01/04/2012)
02/09/2012	346	MOTION to Certify Class filed by William Blazinski, David C. Dufrane, Wray C. Forrest, Tim Michael Josephs, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares: Veterans Rights Organization, Vietnam Veterans of America. Motion Hearing set for 3/15/2012 02:00 PM in Courtroom 2, 4th Floor, Oakland before Hon. Claudia Wilken. Responses due by 2/23/2012. Replies due by 3/1/2012. (Attachments: # 1 Proposed Order)(Erspamer, Gordon) (Filed on 2/9/2012) (Entered: 02/09/2012)
02/09/2012	347	Administrative Motion to File Under Seal filed by William Blazinski, David C. Dufrane, Wray C. Forrest, Tim Michael Josephs, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares: Veterans Rights Organization, Vietnam Veterans of America. (Attachments: # 1 Proposed Order, # 2 Declaration)(Erspamer, Gordon) (Filed on 2/9/2012) (Entered: 02/09/2012)
02/09/2012	348	CERTIFICATE OF SERVICE by William Blazinski, David C. Dufrane, Wray C. Forrest, Tim Michael Josephs, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares: Veterans Rights Organization, Vietnam Veterans of America (<i>re: service of documents submitted under seal</i>) (Erspamer, Gordon) (Filed on 2/9/2012) (Entered: 02/09/2012)
02/10/2012	349	MOTION for Extension of Time to File Response/Reply as to 346 MOTION to Certify Class <i>and Motion to Amend Scheduling Order</i> filed by Central Intelligence Agency, John McHugh, Leon E. Panetta, David H Petraeus, Eric K. Shinseki, United States Department of Defense, United States Department of Veterans Affairs, United States Department of the Army, United States Secretary of Veterans Affairs, United States of America. (Attachments: # 1 Proposed Order, # 2 Declaration of Judson O. Littleton, # 3 Exhibit A to Littleton Decl., # 4 Exhibit B to Littleton Decl., # 5 Exhibit C to Littleton Decl., # 6 Exhibit D to Littleton Decl., # 7 Exhibit E to Littleton Decl.) (Littleton, Judson) (Filed on 2/10/2012) (Entered: 02/10/2012)
02/14/2012	350	RESPONSE (re 349 MOTION for Extension of Time to File Response/Reply

		as to 346 MOTION to Certify Class <i>and Motion to Amend Scheduling Order</i>) filed by William Blazinski, David C. Dufrane, Wray C. Forrest, Tim Michael Josephs, Larry Meiorow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares: Veterans Rights Organization, Vietnam Veterans of America. (Erspamer, Gordon) (Filed on 2/14/2012) (Entered: 02/14/2012)
02/16/2012	351	Declaration of Joshua E. Gardner in Support of 347 Administrative Motion to File Under Seal filed by Central Intelligence Agency, John McHugh, Leon E. Panetta, David H Petraeus, Eric K. Shinseki, United States Department of Defense, United States Department of Veterans Affairs, United States Department of the Army, United States Secretary of Veterans Affairs, United States of America. (Attachments: # 1 Proposed Order)(Related document(s) 347) (Gardner, Joshua) (Filed on 2/16/2012) (Entered: 02/16/2012)
02/24/2012	352	ORDER by Judge Claudia Wilken GRANTING IN PART, AND DENYING IN PART, PLAINTIFFS 347 MOTION TO FILE UNDER SEAL. (ndr, COURT STAFF) (Filed on 2/24/2012) (Entered: 02/24/2012)
02/24/2012	353	Order granting 349 Motion for Extension of Time to File Response/Reply re 346 MOTION to Certify Class , 349 MOTION for Extension of Time to File Response/Reply as to 346 MOTION to Certify Class <i>and Motion to Amend Scheduling Order</i> entered by Hon. Claudia Wilken. (This is a text-only entry generated by the court. There is no document associated with this entry.) (Entered: 02/24/2012)
02/27/2012	354	ORDER RE: BRIEFING SCHEDULE FOR DISCOVERY MOTION. Discovery Hearing set for 4/5/2012 09:00 AM in Courtroom F, 15th Floor, San Francisco before Magistrate Judge Jacqueline Scott Corley. Signed by Magistrate Judge Jacqueline Scott Corley on 2/27/2012. (ahm, COURT STAFF) (Filed on 2/27/2012) (Entered: 02/27/2012)
02/27/2012	355	MOTION for Leave to File Excess Pages filed by Central Intelligence Agency, John McHugh, Leon E. Panetta, David H Petraeus, Eric K. Shinseki, United States Department of Defense, United States Department of Veterans Affairs, United States Department of the Army, United States Secretary of Veterans Affairs, United States of America. (Attachments: # 1 Affidavit, # 2 Proposed Order)(Gardner, Joshua) (Filed on 2/27/2012) (Entered: 02/27/2012)
02/27/2012	356	Supplemental Declaration of Joshua E. Gardner in Support of 347 Administrative Motion to File Under Seal filed by Central Intelligence Agency, Robert M. Gates, John McHugh, Leon E. Panetta, David H Petraeus, Eric K. Shinseki, United States Department of Defense, United States Department of Veterans Affairs, United States Department of the Army, United States Secretary of Veterans Affairs, United States of America. (Related document(s) 347) (Gardner, Joshua) (Filed on 2/27/2012) Modified on 2/28/2012 (cp, COURT STAFF). (Entered: 02/27/2012)
02/28/2012		CLERKS NOTICE. Notice is hereby given that the 346 MOTION to Certify Class, previously set for Thursday, March 15, 2012, is continued to Thursday, April 5, 2012, at 2:00 p.m, in Courtroom, 4th Floor, 1301 Clay Street, Oakland, CA 94612. The previous briefing schedule remains in effect.

		(This is a text only docket entry, there is no document associated with this notice.) (ndr, COURT STAFF) (Filed on 2/28/2012) (Entered: 02/28/2012)
02/28/2012	357	RESPONSE (re 355 MOTION for Leave to File Excess Pages) filed by William Blazinski, David C. Dufrane, Wray C. Forrest, Tim Michael Josephs, Larry Meirow, Eric P. Muth, Bruce Price, Swords to Plowshares: Veterans Rights Organization, Vietnam Veterans of America. (Erspamer, Gordon) (Filed on 2/28/2012) (Entered: 02/28/2012)
02/28/2012	358	DOCUMENT E-FILED UNDER SEAL re 352 Order on Administrative Motion to File Under Seal <i>Declaration of Stacey M. Sprenkel in Support of Plaintiffs Motion for Class Certification</i> by William Blazinski, David C. Dufrane, Wray C. Forrest, Tim Michael Josephs, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares: Veterans Rights Organization, Vietnam Veterans of America. (Attachments: # 1 Exhibit 3, # 2 Exhibit 69, # 3 Exhibit 70, # 4 Exhibit 71, # 5 Exhibit 72, # 6 Exhibit 73) (Sprenkel, Stacey) (Filed on 2/28/2012) (Entered: 02/28/2012)
02/28/2012	359	Declaration of Stacey M. Sprenkel in Support of 346 MOTION to Certify Class [<i>Amended Version Pursuant to February 24, 2012 Order</i>] filed by William Blazinski, David C. Dufrane, Wray C. Forrest, Tim Michael Josephs, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares: Veterans Rights Organization, Vietnam Veterans of America. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Exhibit 3, # 4 Exhibit 4, # 5 Exhibit 5, # 6 Exhibit 6, # 7 Exhibit 7, # 8 Exhibit 8, # 9 Exhibit 9, # 10 Exhibit 10, # 11 Exhibit 11, # 12 Exhibit 12, # 13 Exhibit 13, # 14 Exhibit 14, # 15 Exhibit 15, # 16 Exhibit 16, # 17 Exhibit 17, # 18 Exhibit 18, # 19 Exhibit 19, # 20 Exhibit 20, # 21 Exhibit 21, # 22 Exhibit 22, # 23 Exhibit 23, # 24 Exhibit 24, # 25 Exhibit 25, # 26 Exhibit 26, # 27 Exhibit 27, # 28 Exhibit 28, # 29 Exhibit 29, # 30 Envelope 30, # 31 Exhibit 31, # 32 Exhibit 32, # 33 Exhibit 33, # 34 Exhibit 34, # 35 Exhibit 35, # 36 Exhibit 36, # 37 Exhibit 37, # 38 Exhibit 38, # 39 Exhibit 39, # 40 Exhibit 40, # 41 Exhibit 41, # 42 Exhibit 42, # 43 Exhibit 43, # 44 Exhibit 44, # 45 Exhibit 45, # 46 Exhibit 46, # 47 Exhibit 47, # 48 Exhibit 48, # 49 Exhibit 49, # 50 Exhibit 50, # 51 Exhibit 51, # 52 Exhibit 52, # 53 Exhibit 53, # 54 Exhibit 54, # 55 Exhibit 55, # 56 Exhibit 56, # 57 Exhibit 57, # 58 Exhibit 58, # 59 Exhibit 59, # 60 Exhibit 60, # 61 Exhibit 61, # 62 Exhibit 62, # 63 Exhibit 63, # 64 Exhibit 64, # 65 Exhibit 65, # 66 Exhibit 66, # 67 Exhibit 67, # 68 Exhibit 68, # 69 Exhibit 69, # 70 Exhibit 70, # 71 Exhibit 71, # 72 Exhibit 72, # 73 Exhibit 73, # 74 Exhibit 74)(Related document(s) 346) (Sprenkel, Stacey) (Filed on 2/28/2012) (Entered: 02/28/2012)
02/29/2012	360	Order granting 355 Motion for Leave to File Excess Pages entered by Hon. Claudia Wilken. (This is a text-only entry generated by the court. There is no document associated with this entry.) (Entered: 02/29/2012)
02/29/2012	361	ORDER REGARDING DEFENDANTS 356 SUPPLEMENTAL DECLARATION IN SUPPORT OF PLAINTIFFS MOTION TO FILE UNDER SEAL. Signed by Judge Claudia Wilken on 2/29/2012. (ndr, COURT STAFF) (Filed on 2/29/2012) (Entered: 02/29/2012)

03/01/2012	362	Administrative Motion to File Under Seal filed by William Blazinski, David C. Dufrane, Tim Michael Josephs, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares: Veterans Rights Organization, Vietnam Veterans of America. (Attachments: # 1 Declaration)(Erspamer, Gordon) (Filed on 3/1/2012) Modified on 4/6/2012 (ewn, COURT STAFF). (Entered: 03/01/2012)
03/01/2012	363	Proposed Order <i>Granting Plaintiffs' Motion to Compel</i> by William Blazinski, David C. Dufrane, Tim Michael Josephs, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares: Veterans Rights Organization, Vietnam Veterans of America. (Erspamer, Gordon) (Filed on 3/1/2012) (Entered: 03/01/2012)
03/02/2012	364	CERTIFICATE OF SERVICE by William Blazinski, David C. Dufrane, Tim Michael Josephs, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares: Veterans Rights Organization, Vietnam Veterans of America (Erspamer, Gordon) (Filed on 3/2/2012) (Entered: 03/02/2012)
03/06/2012	365	Administrative Motion to Substitute Kathryn Mcmillan-Forrest as a Named Plaintiff filed by William Blazinski, David C. Dufrane, Wray C. Forrest, Tim Michael Josephs, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares: Veterans Rights Organization, Vietnam Veterans of America. Responses due by 3/12/2012. Replies due by 3/19/2012. (Attachments: # 1 Declaration of Gordon P. Erspamer, # 2 Proposed Order) (Erspamer, Gordon) (Filed on 3/6/2012) Modified on 3/7/2012 (cp, COURT STAFF). (Entered: 03/06/2012)
03/07/2012	366	RESPONSE (re 365 MOTION Administrative Motion to Substitute Kathryn Mcmillan-Forrest as a Named Plaintiff) filed byCentral Intelligence Agency, John McHugh, Leon E. Panetta, David H Petraeus, Eric K. Shinseki, United States Department of Defense, United States Department of Veterans Affairs, United States Department of the Army, United States Secretary of Veterans Affairs, United States of America. (Attachments: # 1 Proposed Order, # 2 Declaration, # 3 Exhibit Exhibit A, # 4 Exhibit Exhibit B, # 5 Exhibit Exhibit C, # 6 Exhibit Exhibit D, # 7 Exhibit Exhibit E, # 8 Exhibit Exhibit F) (Gardner, Joshua) (Filed on 3/7/2012) (Entered: 03/07/2012)
03/08/2012	367	Declaration of Joshua E. Gardner in Support of 362 Administrative Motion to File Under Seal filed byCentral Intelligence Agency, John McHugh, Leon E. Panetta, David H Petraeus, Eric K. Shinseki, United States Department of Defense, United States Department of Veterans Affairs, United States Department of the Army, United States Secretary of Veterans Affairs, United States of America. (Related document(s) 362) (Gardner, Joshua) (Filed on 3/8/2012) (Entered: 03/08/2012)
03/08/2012	368	Administrative Motion to File Under Seal filed by Central Intelligence Agency, John McHugh, Leon E. Panetta, David H Petraeus, Eric K. Shinseki, United States Department of Defense, United States Department of Veterans Affairs, United States Department of the Army, United States Secretary of Veterans Affairs, United States of America. (Attachments: # 1 Declaration of Judson O. Littleton, # 2 Proposed Order)(Littleton, Judson) (Filed on

		3/8/2012) (Entered: 03/08/2012)
03/09/2012	369	NOTICE of Errata re 368 Administrative Motion to File Under Seal by Central Intelligence Agency, John McHugh, Leon E. Panetta, David H Petraeus, Eric K. Shinseki, United States Department of Defense, United States Department of Veterans Affairs, United States Department of the Army, United States Secretary of Veterans Affairs, United States of America (Attachments: # 1 Corrected Administrative Motion to File Under Seal, # 2 Declaration In Support of Motion to File Under Seal)(Littleton, Judson) (Filed on 3/9/2012) Modified on 3/12/2012 (cpS, COURT STAFF). (Entered: 03/09/2012)
03/12/2012	370	ORDER GRANTING PLAINTIFFS LEAVE TO FILE A REPLY IN SUPPORT OF 365 THEIR ADMINISTRATIVE MOTION TO SUBSTITUTE. Signed by Judge Claudia Wilken. (cwlc2, COURT STAFF) (Filed on 3/12/2012) (Entered: 03/12/2012)
03/15/2012	371	RESPONSE (re plaintiffs' motion to compel discovery) filed byCentral Intelligence Agency, John McHugh, Leon E. Panetta, David H Petraeus, Eric K. Shinseki, United States Department of Defense, United States Department of Veterans Affairs, United States Department of the Army, United States Secretary of Veterans Affairs, United States of America. (Attachments: # 1 Declaration of John Spinelli, # 2 Exhibit A to Spinelli Declaration, # 3 Declaration of Dr. Michael Kilpatrick, # 4 Declaration of Anne Moroz, # 5 Declaration of Michael Hogan, # 6 Declaration of Dr. Victor Kalasinsky, # 7 Exhibit A to Kalasinsky Declaration, # 8 Exhibit B to Kalasinsky Declaration, # 9 Exhibit C to Kalasinsky Declaration, # 10 Exhibit D to Kalasinsky Declaration, # 11 Exhibit E to Kalasinsky Declaration)(Gardner, Joshua) (Filed on 3/15/2012) Modified on 3/16/2012 (cp, COURT STAFF). (Entered: 03/15/2012)
03/15/2012	372	Declaration of Joshua E. Gardner in Support of 371 Opposition/Response to Motion,,, filed byCentral Intelligence Agency, John McHugh, Leon E. Panetta, David H Petraeus, Eric K. Shinseki, United States Department of Defense, United States Department of Veterans Affairs, United States Department of the Army, United States Secretary of Veterans Affairs, United States of America. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Exhibit 3, # 4 Exhibit 4, # 5 Exhibit 5, # 6 Exhibit 6, # 7 Exhibit 7, # 8 Exhibit 8, # 9 Exhibit 9, # 10 Exhibit 10, # 11 Exhibit 11 (part 1), # 12 Exhibit 11 (part 2), # 13 Exhibit 11 (part 3), # 14 Exhibit 12, # 15 Exhibit 13, # 16 Exhibit 14, # 17 Exhibit 15, # 18 Exhibit 16, # 19 Exhibit 17, # 20 Exhibit 18, # 21 Exhibit 19, # 22 Exhibit 20, # 23 Exhibit 21, # 24 Exhibit 22, # 25 Exhibit 23, # 26 Exhibit 24, # 27 Exhibit 25, # 28 Exhibit 26, # 29 Exhibit 27, # 30 Exhibit 28, # 31 Exhibit 29, # 32 Exhibit 30, # 33 Exhibit 31, # 34 Exhibit 32, # 35 Exhibit 33, # 36 Exhibit 34, # 37 Exhibit 35, # 38 Exhibit 36, # 39 Exhibit 37) (Related document(s) 371) (Gardner, Joshua) (Filed on 3/15/2012) (Entered: 03/15/2012)
03/15/2012	373	Declaration of Ben Patterson in Support of 368 Administrative Motion to File Under Seal filed byWilliam Blazinski, David C. Dufrane, Wray C. Forrest, Tim Michael Josephs, Larry Meiorow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares: Veterans Rights Organization, Vietnam

		Veterans of America. (Attachments: # 1 Proposed Order)(Related document(s) 368) (Erspamer, Gordon) (Filed on 3/15/2012) (Entered: 03/15/2012)
03/16/2012	374	REPLY (re 365 Administrative Motion to Substitute Kathryn Mcmillan-Forrest as a Named Plaintiff) filed by William Blazinski, David C. Dufrane, Wray C. Forrest, Tim Michael Josephs, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares: Veterans Rights Organization, Vietnam Veterans of America. (Erspamer, Gordon) (Filed on 3/16/2012) (Entered: 03/16/2012)
03/22/2012	375	Administrative Motion to File Under Seal filed by William Blazinski, David C. Dufrane, Wray C. Forrest, Tim Michael Josephs, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares: Veterans Rights Organization, Vietnam Veterans of America. (Attachments: # 1 Declaration of Stacey M. Sprenkel, # 2 Proposed Order)(Erspamer, Gordon) (Filed on 3/22/2012) (Entered: 03/22/2012)
03/22/2012	376	Declaration of William Blazinski <i>in Support of Plaintiffs' Reply in Support of Motion for Class Certification</i> filed by William Blazinski, David C. Dufrane, Wray C. Forrest, Tim Michael Josephs, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares: Veterans Rights Organization, Vietnam Veterans of America. (Erspamer, Gordon) (Filed on 3/22/2012) (Entered: 03/22/2012)
03/22/2012	377	CERTIFICATE OF SERVICE by William Blazinski, David C. Dufrane, Wray C. Forrest, Tim Michael Josephs, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares: Veterans Rights Organization, Vietnam Veterans of America (Erspamer, Gordon) (Filed on 3/22/2012) (Entered: 03/22/2012)
03/26/2012	378	REPLY (re 362 Administrative Motion to File Under Seal) <i>Plaintiffs' Reply in Support of Motion to Compel Discovery</i> filed by William Blazinski, David C. Dufrane, Tim Michael Josephs, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares: Veterans Rights Organization, Vietnam Veterans of America. (Attachments: # 1 Declaration, # 2 Exhibit HH, # 3 Exhibit II, # 4 Exhibit JJ, # 5 Exhibit KK)(Erspamer, Gordon) (Filed on 3/26/2012) (Entered: 03/26/2012)
03/29/2012	379	Declaration of Joshua E. Gardner in Support of 375 Administrative Motion to File Under Seal filed by Central Intelligence Agency, John McHugh, Leon E. Panetta, David H Petraeus, Eric K. Shinseki, United States Department of Defense, United States Department of Veterans Affairs, United States Department of the Army, United States Secretary of Veterans Affairs, United States of America. (Related document(s) 375) (Gardner, Joshua) (Filed on 3/29/2012) (Entered: 03/29/2012)
03/29/2012	380	ORDER by Judge Claudia Wilken GRANTING IN PART AND DENYING IN PART PLAINTIFFS 375 MOTION TO SEAL. (ndr, COURT STAFF) (Filed on 3/29/2012) (Entered: 03/29/2012)
03/29/2012	381	ORDER by Judge Claudia Wilken granting in part and denying in part 368 Administrative Motion to File Under Seal (cwlc2, COURT STAFF) (Filed on 3/29/2012) (Entered: 03/29/2012)

03/29/2012	382	ORDER REGARDING DEFENDANTS' EVIDENCE IN SUPPORT OF THEIR OPPOSITION TO PLAINTIFFS' MOTION FOR CLASS CERTIFICATION. Signed by Judge Claudia Wilken on March 29, 2012. (cwlc2, COURT STAFF) (Filed on 3/29/2012) (Entered: 03/29/2012)
03/30/2012	383	DOCUMENT E-FILED UNDER SEAL re 380 Order on Administrative Motion to File Under Seal <i>Plaintiffs' Reply in Support of Motion for Class Certification</i> by William Blazinski, David C. Dufrane, Wray C. Forrest, Tim Michael Josephs, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares: Veterans Rights Organization, Vietnam Veterans of America. (Erspamer, Gordon) (Filed on 3/30/2012) (Entered: 03/30/2012)
03/30/2012	384	DOCUMENT E-FILED UNDER SEAL re 380 Order on Administrative Motion to File Under Seal EXHIBITS 79 & 87 re <i>Declaration of Stacey M. Sprenkel in Support of Plaintiffs' Reply in Support of Motion for Class Certification</i> by William Blazinski, David C. Dufrane, Wray C. Forrest, Tim Michael Josephs, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares: Veterans Rights Organization, Vietnam Veterans of America. (Attachments: # 1 Exhibit 79, # 2 Exhibit 87)(Erspamer, Gordon) (Filed on 3/30/2012) Modified on 4/2/2012 (cpS, COURT STAFF). Modified on 4/2/2012 (cpS, COURT STAFF). (Entered: 03/30/2012)
03/30/2012	385	DOCUMENT E-FILED UNDER SEAL re 380 Order on Administrative Motion to File Under Seal <i>Declaration of Bernard Edelman on Behalf of Vietnam Veterans of America in Support of Plaintiffs' Reply in Support of Motion for Class Certification</i> by William Blazinski, David C. Dufrane, Wray C. Forrest, Tim Michael Josephs, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares: Veterans Rights Organization, Vietnam Veterans of America. (Erspamer, Gordon) (Filed on 3/30/2012) (Entered: 03/30/2012)
03/30/2012	386	DOCUMENT E-FILED UNDER SEAL re 380 Order on Administrative Motion to File Under Seal <i>Declaration of Michael Josephs in Support of Plaintiffs' Reply in Support of Motion for Class Certification</i> by William Blazinski, David C. Dufrane, Wray C. Forrest, Tim Michael Josephs, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares: Veterans Rights Organization, Vietnam Veterans of America. (Erspamer, Gordon) (Filed on 3/30/2012) (Entered: 03/30/2012)
03/30/2012	387	REPLY (re 346 MOTION to Certify Class) filed by William Blazinski, David C. Dufrane, Wray C. Forrest, Tim Michael Josephs, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares: Veterans Rights Organization, Vietnam Veterans of America. (Erspamer, Gordon) (Filed on 3/30/2012) (Entered: 03/30/2012)
03/30/2012	388	MOTION Plaintiffs' Partially Unopposed Motion to Extend Case Deadlines filed by William Blazinski, David C. Dufrane, Wray C. Forrest, Tim Michael Josephs, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares: Veterans Rights Organization, Vietnam Veterans of America. Responses due by 4/3/2012. (Attachments: # 1 Declaration of Gordon P. Erspamer, # 2 Exhibit A, # 3 Exhibit B, # 4 Exhibit C, # 5 Exhibit

		D)(Erspamer, Gordon) (Filed on 3/30/2012) (Entered: 03/30/2012)
03/30/2012	389	Declaration of Stacey M. Sprenkel in Support of 387 Reply to Opposition/Response, <i>in Support of Motion for Class Certification</i> filed by William Blazinski, David C. Dufrane, Wray C. Forrest, Tim Michael Josephs, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares: Veterans Rights Organization, Vietnam Veterans of America. (Attachments: # 1 Exhibit 75, # 2 Exhibit 76, # 3 Exhibit 77, # 4 Exhibit 78, # 5 Exhibit 79, # 6 Exhibit 80, # 7 Exhibit 81, # 8 Exhibit 82, # 9 Exhibit 83, # 10 Exhibit 84, # 11 Exhibit 85, # 12 Exhibit 86, # 13 Exhibit 87, # 14 Exhibit 88)(Related document(s) 387) (Erspamer, Gordon) (Filed on 3/30/2012) (Entered: 03/30/2012)
03/30/2012	390	Declaration of Bernard Edelman on behalf of Vietnam Veterans of America in Support of 387 Reply to Opposition/Response, <i>in Support of Motion for Class Certification</i> filed by William Blazinski, David C. Dufrane, Wray C. Forrest, Tim Michael Josephs, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares: Veterans Rights Organization, Vietnam Veterans of America. (Related document(s) 387) (Erspamer, Gordon) (Filed on 3/30/2012) (Entered: 03/30/2012)
03/30/2012	391	Declaration of Tim Michael Josephs in Support of 387 Reply to Opposition/Response, <i>in Support of Motion for Class Certification</i> filed by William Blazinski, David C. Dufrane, Wray C. Forrest, Tim Michael Josephs, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares: Veterans Rights Organization, Vietnam Veterans of America. (Related document(s) 387) (Erspamer, Gordon) (Filed on 3/30/2012) (Entered: 03/30/2012)
03/30/2012	392	Proposed Order re 388 MOTION Plaintiffs' Partially Unopposed Motion to Extend Case Deadlines by William Blazinski, David C. Dufrane, Wray C. Forrest, Tim Michael Josephs, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares: Veterans Rights Organization, Vietnam Veterans of America. (Erspamer, Gordon) (Filed on 3/30/2012) (Entered: 03/30/2012)
04/02/2012	393	RESPONSE (re 346 MOTION to Certify Class) (<i>Redacted Version</i>) filed by Central Intelligence Agency, John McHugh, Leon E. Panetta, David H Petraeus, Eric K. Shinseki, United States Department of Defense, United States Department of Veterans Affairs, United States Department of the Army, United States Secretary of Veterans Affairs, United States of America. (Bowen, Brigham) (Filed on 4/2/2012) (Entered: 04/02/2012)
04/02/2012	394	Declaration of Kimberly L. Herb in Support of 393 Opposition/Response to Motion, (<i>Public Exhibits</i>) filed by Central Intelligence Agency, John McHugh, Leon E. Panetta, David H Petraeus, Eric K. Shinseki, United States Department of Defense, United States Department of Veterans Affairs, United States Department of the Army, United States Secretary of Veterans Affairs, United States of America. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Exhibit 3, # 4 Exhibit 4, # 5 Exhibit 5, # 6 Exhibit 6, # 7 Exhibit 7, # 8 Exhibit 9, # 9 Exhibit 10, # 10 Exhibit 11, # 11 Exhibit 12, # 12 Exhibit 13, # 13 Exhibit 14, # 14 Exhibit 15, # 15 Exhibit 16, # 16 Exhibit 17, # 17 Exhibit 18,

		# 18 Exhibit 19, # 19 Exhibit 20, # 20 Exhibit 21, # 21 Exhibit 22, # 22 Exhibit 23, # 23 Exhibit 24, # 24 Exhibit 25, # 25 Exhibit 26, # 26 Exhibit 27, # 27 Exhibit 28)(Related document(s) 393) (Bowen, Brigham) (Filed on 4/2/2012) (Entered: 04/02/2012)
04/02/2012	395	(Con't) EXHIBITS re 394 Declaration of Kimberly L. Herb in Support of 393 Opposition/Response to Motion, (<i>Public Exhibits</i>) filed byCentral Intelligence Agency, John McHugh, Leon E. Panetta, David H Petraeus, Eric K. Shinseki, United States Department of Defense, United States Department of Veterans Affairs, United States Department of the Army, United States Secretary of Veterans Affairs, United States of America. (Attachments: # 1 Exhibit 29, # 2 Exhibit 30, # 3 Exhibit 31, # 4 Exhibit 32, # 5 Exhibit 33, # 6 Exhibit 34, # 7 Exhibit 35A, # 8 Exhibit 35B, # 9 Exhibit 36, # 10 Exhibit 37, # 11 Exhibit 38, # 12 Exhibit 39, # 13 Exhibit 40, # 14 Exhibit 41, # 15 Exhibit 42, # 16 Exhibit 43, # 17 Exhibit 44, # 18 Exhibit 45, # 19 Exhibit 46, # 20 Exhibit 47, # 21 Exhibit 48, # 22 Exhibit 49, # 23 Exhibit 50, # 24 Exhibit 51, # 25 Exhibit 52, # 26 Exhibit 53, # 27 Exhibit 54, # 28 Exhibit 55, # 29 Exhibit 56, # 30 Exhibit 57, # 31 Exhibit 58, # 32 Exhibit 59, # 33 Exhibit 60)(Related document(s) 393) (Bowen, Brigham) (Filed on 4/2/2012) Modified on 4/3/2012 (cp, COURT STAFF). (Entered: 04/02/2012)
04/02/2012	396	(Con't) EXHIBITS re 394 Declaration of Kimberly L. Herb in Support of 393 Opposition/Response to Motion, (<i>Public Exhibits</i>) filed byCentral Intelligence Agency, John McHugh, Leon E. Panetta, David H Petraeus, Eric K. Shinseki, United States Department of Defense, United States Department of Veterans Affairs, United States Department of the Army, United States Secretary of Veterans Affairs, United States of America. (Attachments: # 1 Exhibit 61, # 2 Exhibit 62, # 3 Exhibit 63, # 4 Exhibit 64, # 5 Exhibit 65, # 6 Exhibit 66, # 7 Exhibit 67, # 8 Exhibit 68, # 9 Exhibit 69, # 10 Exhibit 70, # 11 Exhibit 71, # 12 Exhibit 72, # 13 Exhibit 73, # 14 Exhibit 74, # 15 Exhibit 75, # 16 Exhibit 77, # 17 Exhibit 78, # 18 Exhibit 80, # 19 Exhibit 81, # 20 Exhibit 82, # 21 Exhibit 83)(Related document(s) 393) (Bowen, Brigham) (Filed on 4/2/2012) Modified on 4/3/2012 (cp, COURT STAFF). Modified on 4/3/2012 (cp, COURT STAFF). (Entered: 04/02/2012)
04/02/2012	397	Appendix re 393 Opposition/Response to Motion, <i>Index of Exhibits</i> , filed byCentral Intelligence Agency, John McHugh, Leon E. Panetta, David H Petraeus, Eric K. Shinseki, United States Department of Defense, United States Department of Veterans Affairs, United States Department of the Army, United States Secretary of Veterans Affairs, United States of America. (Related document(s) 393) (Bowen, Brigham) (Filed on 4/2/2012) (Entered: 04/02/2012)
04/02/2012	398	RESPONSE (re 388 MOTION Plaintiffs' Partially Unopposed Motion to Extend Case Deadlines) filed byCentral Intelligence Agency, John McHugh, Leon E. Panetta, David H Petraeus, Eric K. Shinseki, United States Department of Defense, United States Department of Veterans Affairs, United States Department of the Army, United States Secretary of Veterans Affairs, United States of America. (Attachments: # 1 Declaration of Joshua E. Gardner)(Gardner, Joshua) (Filed on 4/2/2012) (Entered: 04/02/2012)
04/02/2012	399	DOCUMENT E-FILED UNDER SEAL re 381 Order on Administrative

		Motion to File Under Seal by Central Intelligence Agency, John McHugh, Leon E. Panetta, David H Petraeus, Eric K. Shinseki, United States Department of Defense, United States Department of Veterans Affairs, United States Department of the Army, United States Secretary of Veterans Affairs, United States of America. (Attachments: # 1 Exhibit 18A, # 2 Exhibit 18B, # 3 Exhibit 19A, # 4 Exhibit 19B, # 5 Exhibit 48, # 6 Exhibit 49A, # 7 Exhibit 49B, # 8 Exhibit 52, # 9 Exhibit 55, # 10 Exhibit 56, # 11 Exhibit 57, # 12 Exhibit 58, # 13 Exhibit 59, # 14 Exhibit 63, # 15 Exhibit 64, # 16 Exhibit 65, # 17 Exhibit 66, # 18 Exhibit 77, # 19 Exhibit 78, # 20 Exhibit 80A, # 21 Exhibit 80B, # 22 Exhibit 80C, # 23 Exhibit 80D)(Gardner, Joshua) (Filed on 4/2/2012) (Entered: 04/02/2012)
04/04/2012	400	NOTICE regarding magnetic tapes by Central Intelligence Agency, John McHugh, Leon E. Panetta, David H Petraeus, Eric K. Shinseki, United States Department of Defense, United States Department of Veterans Affairs, United States Department of the Army, United States Secretary of Veterans Affairs, United States of America re 371 Opposition/Response to Motion,, (Attachments: # 1 Declaration of Julie Parrish)(Bowen, Brigham) (Filed on 4/4/2012) Modified on 4/5/2012 (cp, COURT STAFF). (Entered: 04/04/2012)
04/05/2012	401	Minute Entry: Discovery Hearing held on 4/5/2012 before Magistrate Judge Jacqueline Scott Corley (Date Filed: 4/5/2012). (Court Reporter: Connie Kuhl) (ahm, COURT STAFF) (Date Filed: 4/5/2012) (Entered: 04/05/2012)
04/05/2012	402	ORDER RE: PLAINTIFFS' ADMINISTRATIVE MOTION TO FILE UNDERSEAL (Dkt. No. 362). Signed by Magistrate Judge Jacqueline Scott Corley on 4/5/2012. (ahm, COURT STAFF) (Filed on 4/5/2012) (Entered: 04/05/2012)
04/05/2012	403	Minute Entry: Motion Hearing held on 4/5/2012 before Claudia Wilken (Date Filed: 4/5/2012). Case Management Statement due by 5/31/2012. Case Management Conference set for 6/7/2012 02:00 PM. (Court Reporter Raynee Mercado.) (ndr, COURT STAFF) (Date Filed: 4/5/2012) (Entered: 04/06/2012)
04/06/2012	404	MOTION to Compel <i>Discovery re Order DKT #402</i> filed by William Blazinski, David C. Dufrane, Wray C. Forrest, Tim Michael Josephs, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares: Veterans Rights Organization, Vietnam Veterans of America. Responses due by 4/20/2012. Replies due by 4/27/2012. (Erspamer, Gordon) (Filed on 4/6/2012) (Entered: 04/06/2012)
04/06/2012	405	Declaration of Ben Patterson in Support of 404 MOTION to Compel <i>Discovery re Order DKT #402</i> filed by William Blazinski, David C. Dufrane, Wray C. Forrest, Tim Michael Josephs, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares: Veterans Rights Organization, Vietnam Veterans of America. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E, # 6 Exhibit F, # 7 Exhibit G, # 8 Exhibit H, # 9 Exhibit I, # 10 Exhibit J, # 11 Exhibit K, # 12 Exhibit L, # 13 Exhibit M, # 14 Exhibit N, # 15 Exhibit O, # 16 Exhibit P, # 17 Exhibit Q, # 18 Exhibit R, # 19 Exhibit S, # 20 Exhibit T, # 21 Exhibit U, # 22 Exhibit V, # 23 Exhibit W, # 24 Exhibit X, # 25 Exhibit Y-0, # 26 Exhibit

		Y-1, # 27 Exhibit Z-0, # 28 Exhibit Z-1, # 29 Exhibit AA (Public Redacted), # 30 Exhibit BB, # 31 Exhibit CC, # 32 Exhibit DD, # 33 Exhibit EE, # 34 Exhibit FF, # 35 Exhibit GG)(Related document(s) 404) (Erspamer, Gordon) (Filed on 4/6/2012) (Entered: 04/06/2012)
04/06/2012	406	ORDER by Magistrate Judge Jacqueline Scott Corley granting 362 Administrative Motion to File Under Seal. (Please note that this order is the same document as docket no. 402) (ahm, COURT STAFF) (Filed on 4/6/2012) (Entered: 04/06/2012)
04/06/2012	407	DOCUMENT E-FILED UNDER SEAL re 406 Order on Administrative Motion to File Under Seal <i>Declaration of Ben Patterson in Support of Motion to Compel (Confidential Version Filed Under Seal)</i> by William Blazinski, David C. Dufrane, Wray C. Forrest, Tim Michael Josephs, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares: Veterans Rights Organization, Vietnam Veterans of America. (Attachments: # 1 Exhibit AA (Confidential Sealed))(Erspamer, Gordon) (Filed on 4/6/2012) (Entered: 04/06/2012)
04/06/2012	408	ORDER by Magistrate Judge Jacqueline Scott Corley granting 404 Motion to Compel (ahm, COURT STAFF) (Filed on 4/6/2012) (Entered: 04/06/2012)
04/10/2012	409	NOTICE by Central Intelligence Agency, John McHugh, Leon E. Panetta, David H Petraeus, Eric K. Shinseki, United States Department of Defense, United States Department of Veterans Affairs, United States Department of the Army, United States Secretary of Veterans Affairs, United States of America re 394 Declaration in Support,,, - <i>Notice of Filing of Corrected Exhibits in Support of Defendants' Opposition to Plaintiffs' Motion for Class Certification</i> (Attachments: # 1 Exhibit - Corrected Exhibit 8, # 2 Exhibit - Corrected Exhibit 14, # 3 Exhibit - Corrected Exhibit 20, # 4 Exhibit - Corrected Exhibit 23, # 5 Exhibit - Corrected Exhibit 24, # 6 Exhibit - Corrected Exhibit 26, # 7 Exhibit - Corrected Exhibit 45, # 8 Exhibit - Corrected Exhibit 51, # 9 Exhibit - Corrected Exhibit 74)(Bowen, Brigham) (Filed on 4/10/2012) (Entered: 04/10/2012)
04/10/2012	410	DOCUMENT E-FILED UNDER SEAL re 381 Order on Administrative Motion to File Under Seal by Central Intelligence Agency, John McHugh, Leon E. Panetta, David H Petraeus, Eric K. Shinseki, United States Department of Defense, United States Department of Veterans Affairs, United States Department of the Army, United States Secretary of Veterans Affairs, United States of America. (Attachments: # 1 Exhibit 57, # 2 Exhibit 64) (Gardner, Joshua) (Filed on 4/10/2012) (Entered: 04/10/2012)
04/11/2012	411	SUGGESTION OF DEATH Upon the Record as to Wray Forrest by Central Intelligence Agency, John McHugh, Leon E. Panetta, David H Petraeus, Eric K. Shinseki, United States Department of Defense, United States Department of Veterans Affairs, United States Department of the Army, United States Secretary of Veterans Affairs, United States of America. (Gardner, Joshua) (Filed on 4/11/2012) (Entered: 04/11/2012)
04/11/2012	412	NOTICE of Submission for Ex Parte <i>In Camera Review</i> by Central Intelligence Agency, John McHugh, Leon E. Panetta, David H Petraeus, Eric

		K. Shinseki, United States Department of Defense, United States Department of Veterans Affairs, United States Department of the Army, United States Secretary of Veterans Affairs, United States of America re 408 Order on Motion to Compel (Attachments: # 1 Exhibit A)(Gardner, Joshua) (Filed on 4/11/2012) Modified on 4/12/2012 (cp, COURT STAFF). (Entered: 04/11/2012)
04/13/2012	413	MOTION FOR RELIEF FROM NON-DISPOSITIVE PRETRIAL ORDER OF MAGISTRATE JUDGE re 408 Order on Motion to Compel filed by Central Intelligence Agency, John McHugh, Leon E. Panetta, David H Petraeus, Eric K. Shinseki, United States Department of Defense, United States Department of Veterans Affairs, United States Department of the Army, United States Secretary of Veterans Affairs, United States of America. Responses due by 4/27/2012. Replies due by 5/4/2012. (Attachments: # 1 Declaration, # 2 Proposed Order)(Farel, Lily) (Filed on 4/13/2012) (Entered: 04/13/2012)
04/16/2012	414	Transcript of Proceedings held on April 5, 2012, before Judge Claudia Wilken. Court Reporter Raynee H. Mercado, Telephone number 510-451-7530, raynee_mercado@cand.uscourts.gov. Per General Order No. 59 and Judicial Conference policy, this transcript may be viewed only at the Clerks Office public terminal or may be purchased through the Court Reporter until the deadline for the Release of Transcript Restriction.After that date it may be obtained through PACER. Any Notice of Intent to Request Redaction, if required, is due no later than 5 business days from date of this filing. Redaction Request due 5/7/2012. Redacted Transcript Deadline set for 5/17/2012. Release of Transcript Restriction set for 7/16/2012. (rhm,) (Filed on 4/16/2012) (Entered: 04/16/2012)
04/19/2012	415	JOINT STIPULATION WITH PROPOSED ORDER <i>REGARDING CASE DEADLINES & JOINT STATEMENT CONCERNING SCOPE OF UPDATING DISCOVERY</i> filed by William Blazinski, David C. Dufrane, Wray C. Forrest, Tim Michael Josephs, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares: Veterans Rights Organization, Vietnam Veterans of America, Central Intelligence Agency. (Erspamer, Gordon) (Filed on 4/19/2012) Modified on 4/20/2012 (cp, COURT STAFF). (Entered: 04/19/2012)
04/23/2012	416	ORDER REGARDING DEFENDANTS 413 MOTION FOR RELIEF FROM NON-DISPOSITIVE PRETRIAL ORDER OF MAGISTRATE JUDGE. Signed by Judge Claudia Wilken on 4/23/2012. (ndr, COURT STAFF) (Filed on 4/23/2012) (Entered: 04/23/2012)
04/25/2012	417	ORDER RE: DEFENDANT'S MOTION FOR RELIEF FROM APRIL 16, 2012 ORDER (Dkt. No. 413). Signed by Magistrate Judge Jacqueline Scott Corley on 4/25/2012. (ahm, COURT STAFF) (Filed on 4/25/2012) (Entered: 04/25/2012)
04/26/2012	418	ORDER by Magistrate Judge Jacquleine Scott Corley granting 415 Stipulation REGARDING CASE DEADLINES & JOINT STATEMENT CONCERNING SCOPE OF UPDATING DISCOVERY (ahm, COURT STAFF) (Filed on 4/26/2012) (Entered: 04/26/2012)

04/26/2012		Set Deadlines/Hearings: Motions due by 10/23/2012. Responses due by 11/20/2012. Cross Motions due by 11/20/2012. Reply due 12/18/2012. Reply due 1/8/2013. Motion Hearing set for 1/24/2013 02:00 PM before Hon. Claudia Wilken. Case Management Statement due by 1/17/2013. Further Case Management Conference set for 1/24/2013 02:00 PM. Final Pretrial Conference set for 5/15/2013 02:00 PM. Jury Selection set for 6/3/2013 08:30 AM before Hon. Claudia Wilken. Jury Trial (20 day) set for 6/3/2013 08:30 AM before Hon. Claudia Wilken. See 418 Order ** (ndr, COURT STAFF) (Filed on 4/26/2012) (Entered: 04/26/2012)
04/30/2012	419	RESPONSE (re 413 MOTION FOR RELIEF FROM NON-DISPOSITIVE PRETRIAL ORDER OF MAGISTRATE JUDGE re 408 Order on Motion to Compel) filed by William Blazinski, David C. Dufrane, Wray C. Forrest, Tim Michael Josephs, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares: Veterans Rights Organization, Vietnam Veterans of America. (Attachments: # 1 Declaration of Gordon P. Erspamer in Support of Response to Defendants' Motion for Relief)(Erspamer, Gordon) (Filed on 4/30/2012) (Entered: 04/30/2012)
05/01/2012	420	ORDER by Magistrate Judge Jacqueline Scott Corley granting 413 Defendant's Motion for Relief From 4/6/2012 Order (ahm, COURT STAFF) (Filed on 5/1/2012) (Entered: 05/01/2012)
05/04/2012	421	NOTICE of Submission for Ex Parte In Camera Review by Eric K. Shinseki, United States Department of Veterans Affairs, United States Secretary of Veterans Affairs (Attachments: # 1 Exhibit A: Index)(Farel, Lily) (Filed on 5/4/2012) Modified on 5/7/2012 (cp, COURT STAFF). (Entered: 05/04/2012)
05/07/2012	422	NOTICE of Supplemental Authority Relevant to Class Certification by Central Intelligence Agency, John McHugh, Leon E. Panetta, David H Petraeus, Eric K. Shinseki, United States Department of Defense, United States Department of Veterans Affairs, United States Department of the Army, United States Secretary of Veterans Affairs (Attachments: # 1 VCS et al. v. Shinseki et al.)(Littleton, Judson) (Filed on 5/7/2012) Modified on 5/8/2012 (cp, COURT STAFF). (Entered: 05/07/2012)
05/14/2012	423	ORDER RE: APRIL 12 AND MAY 1, 2012 IN CAMERA SUBMISSION OF DOCUMENTS. Signed by Magistrate Judge Jacqueline Scott Corley on 5/14/2012. (ahm, COURT STAFF) (Filed on 5/14/2012) (Entered: 05/14/2012)
05/18/2012	424	RESPONSES to questions posed in the court May 14, 2012 order 423 by Central Intelligence Agency, John McHugh, Leon E. Panetta, David H Petraeus, Eric K. Shinseki, United States Department of Defense, United States Department of Veterans Affairs, United States Department of the Army, United States Secretary of Veterans Affairs, United States of America (Attachments: # 1 Exhibit A)(Gardner, Joshua) (Filed on 5/18/2012) Modified on 5/21/2012 (cp, COURT STAFF). (Entered: 05/18/2012)
05/21/2012	425	<i>Plaintiffs' Supplemental Submission and Defendants' Position Concerning Magnetic Tapes and Motion to Compel</i> by William Blazinski, David C. Dufrane, Wray C. Forrest, Tim Michael Josephs, Larry Meirow, Eric P. Muth,

		Bruce Price, Franklin D. Rochelle, Swords to Plowshares: Veterans Rights Organization, Vietnam Veterans of America. (Attachments: # 1 Declaration of John Frederick Ashley)(Erspamer, Gordon) (Filed on 5/21/2012) Modified on 5/22/2012 (cpS, COURT STAFF). (Entered: 05/21/2012)
05/21/2012	426	RESPONSE to re 425 Statement, by Central Intelligence Agency, John McHugh, Leon E. Panetta, David H Petraeus, Eric K. Shinseki, United States Department of Defense, United States Department of Veterans Affairs, United States Department of the Army, United States Secretary of Veterans Affairs, United States of America. (Bowen, Brigham) (Filed on 5/21/2012) (Entered: 05/21/2012)
05/21/2012	427	RESPONSE to re 426 <i>Defendants' Opposition to Plaintiffs' Statement of Discovery Disputes and Motion to Set a Briefing Schedule</i> by William Blazinski, David C. Dufrane, Wray C. Forrest, Tim Michael Josephs, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares: Veterans Rights Organization, Vietnam Veterans of America. (Erspamer, Gordon) (Filed on 5/21/2012) Modified on 5/22/2012 (cpS, COURT STAFF). (Entered: 05/21/2012)
05/22/2012	428	REPLY to re 427 Statement of Discovery Disputes and Motion to Set a Briefing Schedule by Central Intelligence Agency, John McHugh, Leon E. Panetta, David H Petraeus, Eric K. Shinseki, United States Department of Defense, United States Department of Veterans Affairs, United States Department of the Army, United States Secretary of Veterans Affairs, United States of America (Gardner, Joshua) (Filed on 5/22/2012) Modified on 5/23/2012 (cp, COURT STAFF). (Entered: 05/22/2012)
05/22/2012	429	ORDER RE: MAGNETIC TAPE DISPUTE. Signed by Magistrate Judge Jacqueline Scott Corley on 5/22/2012. (ahm, COURT STAFF) (Filed on 5/22/2012) (Entered: 05/22/2012)
05/23/2012	430	ORDER RE: REMAINDER OF MAY 1, 2012 IN CAMERA SUBMISSION OF DOCUMENTS. Signed by Magistrate Judge Jacqueline Scott Corley on 5/23/2012. (ahm, COURT STAFF) (Filed on 5/23/2012) (Entered: 05/23/2012)
05/24/2012	431	MOTION for Leave to File <i>Motion for Reconsideration</i> filed by Eric K. Shinseki, United States Department of Veterans Affairs, United States Secretary of Veterans Affairs. (Attachments: # 1 Motion for Reconsideration, # 2 Proposed Order)(Farel, Lily) (Filed on 5/24/2012) (Entered: 05/24/2012)
05/30/2012	432	NOTICE by Eric K. Shinseki, United States Department of Veterans Affairs, United States Secretary of Veterans Affairs re 430 Order <i>Notice of Submission for Ex Parte In Camera Review</i> (Farel, Lily) (Filed on 5/30/2012) (Entered: 05/30/2012)
05/31/2012	433	STIPULATION WITH PROPOSED ORDER filed by Central Intelligence Agency, John McHugh, Leon E. Panetta, David H Petraeus, Eric K. Shinseki, United States Department of Defense, United States Department of Veterans Affairs, United States Department of the Army, United States Secretary of Veterans Affairs, United States of America, Vietnam Veterans of America . (Attachments: # 1 Declaration of Kimberly Herb in Support)(Bowen,

		Brigham) (Filed on 5/31/2012) Modified on 6/1/2012 (cpS, COURT STAFF). (Entered: 05/31/2012)
05/31/2012	434	NOTICE by Central Intelligence Agency, John McHugh, Leon E. Panetta, David H Petraeus, Eric K. Shinseki, United States Department of Defense, United States Department of Veterans Affairs, United States Department of the Army, United States Secretary of Veterans Affairs, United States of America re 423 Order (Gardner, Joshua) (Filed on 5/31/2012) (Entered: 05/31/2012)
05/31/2012	435	ORDER by Magistrate Judge Jacqueline Scott Corley granting 433 Stipulation to Extend Briefing Schedule on Plaintiffs' Supplemental Submission Concerning Magnetic Tapes (ahm, COURT STAFF) (Filed on 5/31/2012) (Entered: 05/31/2012)
05/31/2012	436	ORDER RE: MAY 30 & 31, 2012 IN CAMERA SUBMISSIONS OF DOCUMENTS. Signed by Magistrate Judge Jacqueline Scott Corley on 5/31/2012. (ahm, COURT STAFF) (Filed on 5/31/2012) (Entered: 05/31/2012)
06/01/2012	437	RESPONSE to re 436 Order by William Blazinski, David C. Dufrane, Wray C. Forrest, Tim Michael Josephs, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares: Veterans Rights Organization, Vietnam Veterans of America. (Erspamer, Gordon) (Filed on 6/1/2012) (Entered: 06/01/2012)
06/04/2012	438	REPLY to re 437 Response) by Eric K. Shinseki, United States Department of Veterans Affairs, United States Secretary of Veterans Affairs (Farel, Lily) (Filed on 6/4/2012) Modified on 6/5/2012 (cpS, COURT STAFF). (Entered: 06/04/2012)
06/05/2012	439	MOTION to Substitute Party <i>Kathryn McMillan-Forrest</i> filed by William Blazinski, David C. Dufrane, Wray C. Forrest, Tim Michael Josephs, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares: Veterans Rights Organization, Vietnam Veterans of America. Motion Hearing set for 7/19/2012 02:00 PM in Courtroom 2, 4th Floor, Oakland before Hon. Claudia Wilken. Responses due by 6/19/2012. Replies due by 6/26/2012. (Attachments: # 1 Declaration of Kathryn McMillan-Forrest, # 2 Proposed Order)(Erspamer, Gordon) (Filed on 6/5/2012) (Entered: 06/05/2012)
06/06/2012	440	NOTICE by Eric K. Shinseki, United States Department of Veterans Affairs, United States Secretary of Veterans Affairs re 438 Notice (Other) of <i>Errata</i> (Attachments: # 1 Errata)(Farel, Lily) (Filed on 6/6/2012) (Entered: 06/06/2012)
06/06/2012	441	<i>Opposition to Plaintiffs' Motion to Compel</i> by Central Intelligence Agency, John McHugh, Leon E. Panetta, David H Petraeus, Eric K. Shinseki, United States Department of Defense, United States Department of Veterans Affairs, United States Department of the Army, United States Secretary of Veterans Affairs, United States of America. (Attachments: # 1 Declaration of Kimberly Herb, # 2 Exhibit A to Herb Decl., # 3 Exhibit B to Herb Decl., # 4 Exhibit C to Herb Decl., # 5 Exhibit D to Herb Decl., # 6 Declaration of Patricia

		Cameresi, # 7 Exhibit 1 to Cameresi Decl., # 8 Exhibit 2 to Cameresi Decl., # 9 Exhibit 3 to Cameresi Decl., # 10 Exhibit 4 to Cameresi Decl., # 11 Exhibit 5 to Cameresi Decl., # 12 Exhibit 6 to Cameresi Decl., # 13 Exhibit 7 to Cameresi Decl., # 14 Exhibit 8 to Cameresi Decl., # 15 Declaration of Julie Parrish)(Herb, Kimberly) (Filed on 6/6/2012) Modified on 6/7/2012 (cpS, COURT STAFF). (Entered: 06/06/2012)
06/06/2012	442	RESPONSE to re 440 Notice (Other) <i>Plaintiffs' Response to Defendants' Notice of Errata Regarding Department of Veterans Affairs' Reply</i> by William Blazinski, David C. Dufrane, Wray C. Forrest, Tim Michael Josephs, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares: Veterans Rights Organization, Vietnam Veterans of America. (Erspamer, Gordon) (Filed on 6/6/2012) (Entered: 06/06/2012)
06/07/2012	443	ORDER RE: RESPONSES TO COURTS MAY 31, 2012 ORDER. Signed by Magistrate Judge Jacqueline Scott Corley on 6/7/2012. (ahm, COURT STAFF) (Filed on 6/7/2012) (Entered: 06/07/2012)
06/11/2012	444	NOTICE <i>Regarding Supplemental Authority</i> to Class Certification and re 431 MOTION for Leave to File <i>Motion for Reconsideration</i> by Central Intelligence Agency, John McHugh, Leon E. Panetta, David H Petraeus, Eric K. Shinseki, United States Department of Defense, United States Department of Veterans Affairs, United States Department of the Army, United States Secretary of Veterans Affairs, United States of America (Attachments: # 1 Exhibit Elgin Decision)(Gardner, Joshua) (Filed on 6/11/2012) Modified on 6/12/2012 (cp, COURT STAFF). (Entered: 06/11/2012)
06/13/2012	445	<i>Reply in Support of 425 Supplemental Submission Concerning Magnetic Tapes and Motion to Compel</i> by William Blazinski, David C. Dufrane, Wray C. Forrest, Tim Michael Josephs, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares: Veterans Rights Organization, Vietnam Veterans of America. (Attachments: # 1 Proposed Order Concerning Magnetic Tapes)(Erspamer, Gordon) (Filed on 6/13/2012) Modified on 6/14/2012 (cp, COURT STAFF). (Entered: 06/13/2012)
06/13/2012	446	MOTION to Strike <i>the Declaration of Patricia Cameresi (Docket No. 441-6)</i> filed by William Blazinski, David C. Dufrane, Wray C. Forrest, Tim Michael Josephs, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares: Veterans Rights Organization, Vietnam Veterans of America. Motion Hearing set for 6/21/2012 09:00 AM in Courtroom F, 15th Floor, San Francisco before Magistrate Judge Jacqueline Scott Corley. Responses due by 6/18/2012. Replies due by 6/19/2012. (Erspamer, Gordon) (Filed on 6/13/2012) (Entered: 06/13/2012)
06/14/2012	447	MOTION to Compel <i>Discovery From Defendant Department of Veterans Affairs</i> filed by William Blazinski, David C. Dufrane, Wray C. Forrest, Tim Michael Josephs, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares: Veterans Rights Organization, Vietnam Veterans of America. Motion Hearing set for 7/19/2012 09:00 AM in Courtroom F, 15th Floor, San Francisco before Magistrate Judge Jacqueline Scott Corley. Responses due by 6/28/2012. Replies due by 7/5/2012. (Attachments: # 1 Declaration of Ben Patterson, # 2 Exhibit A, # 3 Exhibit B,

		# 4 Exhibit C, # 5 Exhibit D, # 6 Exhibit E, # 7 Exhibit F, # 8 Proposed Order) (Erspamer, Gordon) (Filed on 6/14/2012) (Entered: 06/14/2012)
06/15/2012	448	ORDER RE: MAGNETIC TAPES DISPUTE (Dkt. No. 425). Discovery Hearing set for 6/21/2012 at 09:00 AM in Courtroom F, 15th Floor, San Francisco before Magistrate Judge Jacqueline Scott Corley. Signed by Magistrate Judge Jacqueline Scott Corley on 6/15/2012. (ahm, COURT STAFF) (Filed on 6/15/2012) (Entered: 06/15/2012)
06/15/2012	449	MOTION to Strike 447 MOTION to Compel <i>Discovery From Defendant Department of Veterans Affairs, or in the alternative to set Briefing Schedule</i> filed by Central Intelligence Agency, John McHugh, Leon E. Panetta, David H Petraeus, Eric K. Shinseki, United States Department of Defense, United States Department of Veterans Affairs, United States Department of the Army, United States Secretary of Veterans Affairs, United States of America. Responses due by 6/29/2012. Replies due by 7/6/2012. (Attachments: # 1 Proposed Order)(Littleton, Judson) (Filed on 6/15/2012) Modified on 6/18/2012 (kcS,). (Entered: 06/15/2012)
06/18/2012	450	RESPONSE (re 446 MOTION to Strike <i>the Declaration of Patricia Cameresi (Docket No. 441-6)</i>) filed by Central Intelligence Agency, John McHugh, Leon E. Panetta, David H Petraeus, Eric K. Shinseki, United States Department of Defense, United States Department of Veterans Affairs, United States Department of the Army, United States Secretary of Veterans Affairs, United States of America. (Attachments: # 1 Declaration of Kimberly Herb, # 2 Exhibit A to the Herb Decl.)(Herb, Kimberly) (Filed on 6/18/2012) (Entered: 06/18/2012)
06/19/2012	451	Administrative Motion and [Proposed] Order to File Under Seal filed by Central Intelligence Agency, John McHugh, Leon E. Panetta, David H Petraeus, Eric K. Shinseki, United States Department of Defense, United States Department of Veterans Affairs, United States Department of the Army, United States Secretary of Veterans Affairs, United States of America. (Attachments: # 1 Declaration of Judson O. Littleton, # 2 Proposed Order) (Littleton, Judson) (Filed on 6/19/2012) Modified on 6/20/2012 (cjl, COURT STAFF). (Entered: 06/19/2012)
06/19/2012	452	Declaration of Judson O. Littleton <i>in Support of Defendants' Opposition to Plaintiffs' Motion to Substitute Kathryn McMillan-Forrest as a Named Plaintiff</i> filed by Central Intelligence Agency, John McHugh, Leon E. Panetta, David H Petraeus, Eric K. Shinseki, United States Department of Defense, United States Department of Veterans Affairs, United States Department of the Army, United States Secretary of Veterans Affairs, United States of America. (Attachments: # 1 Exhibit C to Littleton Declaration)(Littleton, Judson) (Filed on 6/19/2012) (Entered: 06/19/2012)
06/19/2012	453	CERTIFICATE OF SERVICE by Central Intelligence Agency, John McHugh, Leon E. Panetta, David H Petraeus, Eric K. Shinseki, United States Department of Defense, United States Department of Veterans Affairs, United States Department of the Army, United States Secretary of Veterans Affairs, United States of America <i>re Defendants' Opposition to Plaintiffs' Motion to Substitute Kathryn McMillan-Forrest as a Named Plaintiff</i> (Littleton, Judson)

		(Filed on 6/19/2012) (Entered: 06/19/2012)
06/19/2012	454	NOTICE of Document Filing by Central Intelligence Agency, John McHugh, Leon E. Panetta, David H Petraeus, Eric K. Shinseki, United States Department of Defense, United States Department of Veterans Affairs, United States Department of the Army, United States Secretary of Veterans Affairs, United States of America.(Attachments: # 1 Exhibit A, Part 1, # 2 Exhibit A, Part 2, # 3 Exhibit A, Part 3, # 4 Exhibit A, Part 4, # 5 Exhibit A, Part 5, # 6 Exhibit B)(Herb, Kimberly) (Filed on 6/19/2012) Modified on 6/20/2012 (cjl, COURT STAFF). (Entered: 06/19/2012)
06/21/2012	455	Minute Entry: Discovery Hearing held on 6/21/2012 before Magistrate Judge Jacqueline Scott Corley (Date Filed: 6/21/2012), Motion Hearing held on 6/21/2012 before Magistrate Judge Jacqueline Scott Corley (Date Filed: 6/21/2012) re 446 MOTION to Strike <i>the Declaration of Patricia Cameresi (Docket No. 441-6)</i> filed by Eric P. Muth, Larry Meirow, Swords to Plowshares: Veterans Rights Organization, David C. Dufrane, Franklin D. Rochelle, Bruce Price, Vietnam Veterans of America, Wray C. Forrest, William Blazinski, Tim Michael Josephs. (Court Reporter :Debra Pas) (ahm, COURT STAFF) (Date Filed: 6/21/2012) (Entered: 06/21/2012)
06/22/2012	456	ORDER RE: MOTION TO COMPEL DISCOVERY FROM DEFENDANT DEPARTMENT OF VETERANS AFFAIRS (Dkt. No. 447). Signed by Magistrate Judge Jacqueline Scott Corley on 6/22/2012. (ahm, COURT STAFF) (Filed on 6/22/2012) (Entered: 06/22/2012)
06/22/2012	457	ORDER RE: MAGNETIC TAPES DISPUTE (Dkt. No. 425). Signed by Magistrate Judge Jacqueline Scott Corley on 6/22/2012. (ahm, COURT STAFF) (Filed on 6/22/2012) (Entered: 06/22/2012)
06/26/2012	458	ORDER RELEASING JUNE 21, 2012 HEARING TRANSCRIPT TO THE PARTIES. Signed by Magistrate Judge Jacqueline Scott Corley on 6/26/2012. (ahm, COURT STAFF) (Filed on 6/26/2012) (Entered: 06/26/2012)
06/26/2012	459	REPLY (re 439 MOTION to Substitute Party <i>Kathryn McMillan-Forrest</i>) filed by William Blazinski, David C. Dufrane, Wray C. Forrest, Tim Michael Josephs, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares: Veterans Rights Organization, Vietnam Veterans of America. (Erspamer, Gordon) (Filed on 6/26/2012) (Entered: 06/26/2012)
06/28/2012	460	RESPONSE (re 447 MOTION to Compel <i>Discovery From Defendant Department of Veterans Affairs</i>) filed by Eric K. Shinseki, United States Department of Veterans Affairs, United States Secretary of Veterans Affairs. (Attachments: # 1 Declaration of John J. Spinelli, # 2 Exhibit A to Spinelli Declaration, # 3 Declaration of Lily Farel, # 4 Exhibit A to Farel Declaration) (Farel, Lily) (Filed on 6/28/2012) (Entered: 06/28/2012)
06/28/2012	461	NOTICE of <i>Submission of Documents for in camera, ex parte review</i> re 456 Order by Eric K. Shinseki, United States Department of Veterans Affairs, United States Secretary of Veterans Affairs (Farel, Lily) (Filed on 6/28/2012) Modified on 6/29/2012 (cp, COURT STAFF). (Entered: 06/28/2012)
07/03/2012	462	Sealed Transcript of Proceedings held on 6-21-2012, before Judge Jacqueline

		S. Corley. Court Reporter/Transcriber Debra L. Pas, CRR, Telephone number (415) 431-1477. Per General Order No. 59 and Judicial Conference policy, any Notice of Intent to Request Redaction, if required, is due no later than 5 business days from date of this filing. (Pas, Debra) (Filed on 7/3/2012) (Entered: 07/03/2012)
07/03/2012	463	REPLY (re 447 MOTION to Compel <i>Discovery From Defendant Department of Veterans Affairs</i>) filed by William Blazinski, David C. Dufrane, Tim Michael Josephs, Larry Meiorow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares: Veterans Rights Organization, Vietnam Veterans of America. (Erspamer, Gordon) (Filed on 7/3/2012) (Entered: 07/03/2012)
07/03/2012	464	Order by Judge Claudia Wilken granting in part and denying in part 451 Defendants' Administrative Motion to File Under Seal (cwlc2, COURT STAFF) (Filed on 7/3/2012) (Entered: 07/03/2012)
07/06/2012	465	RESPONSE (re 439 MOTION to Substitute Party <i>Kathryn McMillan-F Forrest</i>) filed by Central Intelligence Agency, John McHugh, Leon E. Panetta, David H Petraeus, Eric K. Shinseki, United States Department of Defense, United States Department of Veterans Affairs, United States Department of the Army, United States Secretary of Veterans Affairs, United States of America. (Gardner, Joshua) (Filed on 7/6/2012) (Entered: 07/06/2012)
07/06/2012	466	DOCUMENT E-FILED UNDER SEAL re 464 Order on Administrative Motion to File Under Seal by Central Intelligence Agency, John McHugh, Leon E. Panetta, David H Petraeus, Eric K. Shinseki, United States Department of Defense, United States Department of Veterans Affairs, United States Department of the Army, United States Secretary of Veterans Affairs, United States of America. (Attachments: # 1 Exhibit A, # 2 Exhibit B (Part 1), # 3 Exhibit B (Part 2), # 4 Exhibit B (Part 3))(Gardner, Joshua) (Filed on 7/6/2012) (Entered: 07/06/2012)
07/09/2012		CLERKS NOTICE VACATING HEARING. TO ALL PARTIES AND COUNSEL OF RECORD: The discovery hearing noticed for July 19, 2012 at 9:00 a.m. before Magistrate Judge Jacqueline Scott Corley is hereby submitted without hearing and without appearance by counsel pursuant to Civil Local Rule 7-1(b). (This is a text only docket entry, there is no document associated with this notice.) (ahm, COURT STAFF) (Filed on 7/9/2012) (Entered: 07/09/2012)
07/13/2012	467	MOTION to Compel <i>Discovery from Defendant Department of Veterans Affairs</i> filed by William Blazinski, David C. Dufrane, Tim Michael Josephs, Larry Meiorow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares: Veterans Rights Organization, Vietnam Veterans of America. Motion Hearing set for 8/23/2012 09:00 AM in Courtroom F, 15th Floor, San Francisco before Magistrate Judge Jacqueline Scott Corley. Responses due by 7/27/2012. Replies due by 8/3/2012. (Attachments: # 1 Declaration, # 2 Exhibit A, # 3 Exhibit B, # 4 Proposed Order)(Erspamer, Gordon) (Filed on 7/13/2012) (Entered: 07/13/2012)
07/17/2012		CLERKS NOTICE. Notice is hereby given that the Court, on its own motion,

		<p>shall take the 439 motion to substitute party under submission on the papers. The hearing previously scheduled for Thursday, July 19, 2012, is vacated.</p> <p>(This is a text only docket entry, there is no document associated with this notice.)</p> <p>(ndr, COURT STAFF) (Filed on 7/17/2012) (Entered: 07/17/2012)</p>
07/18/2012	468	<p>Statement <i>Joint Statement Regarding Depositions</i> by William Blazinski, David C. Dufrane, Tim Michael Josephs, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares: Veterans Rights Organization, Vietnam Veterans of America, Central Intelligence Agency. (Erspamer, Gordon) (Filed on 7/18/2012) Modified on 7/19/2012 (cpS, COURT STAFF). (Entered: 07/18/2012)</p>
07/19/2012	469	<p>ORDER by Magistrate Judge Jacqueline Scott Corley granting in part 447 Plaintiffs' Motion to Compel (ahm, COURT STAFF) (Filed on 7/19/2012) (Entered: 07/19/2012)</p>
07/19/2012	470	<p>ORDER RE: JOINT STATEMENT OF DISCOVERY DISPUTE (Dkt. No. 468). Signed by Magistrate Judge Jacqueline Scott Corley on 7/19/2012. (ahm, COURT STAFF) (Filed on 7/19/2012) (Entered: 07/19/2012)</p>
07/24/2012	471	<p>MOTION Relief from Portion of Non-Dispositive Pretrial Order of Magistrate Judge re 469 Order on Motion to Compel filed by Central Intelligence Agency, John McHugh, Leon E. Panetta, David H Petraeus, Eric K. Shinseki, United States Department of Defense, United States Department of Veterans Affairs, United States Department of the Army, United States Secretary of Veterans Affairs, United States of America. Responses due by 8/7/2012. Replies due by 8/14/2012. (Attachments: # 1 Proposed Order)(Farel, Lily) (Filed on 7/24/2012) Modified on 7/25/2012 (cpS, COURT STAFF). Modified on 7/25/2012 (cpS, COURT STAFF). (Entered: 07/24/2012)</p>
07/26/2012	472	<p>RESPONSE to re 469 Order on Motion to Compel <i>and Motion for Clarification of Certain Aspects of that Order</i> by Eric K. Shinseki, United States Secretary of Veterans Affairs. (Attachments: # 1 Exhibit A, # 2 Declaration of Joseph Salvatore)(Gardner, Joshua) (Filed on 7/26/2012) (Entered: 07/26/2012)</p>
07/27/2012	473	<p>RESPONSE (re 467 MOTION to Compel <i>Discovery from Defendant Department of Veterans Affairs</i>) filed by Eric K. Shinseki, United States Department of Veterans Affairs, United States Secretary of Veterans Affairs. (Attachments: # 1 Declaration of John Spinelli, # 2 Exhibit A to Spinelli Declaration)(Farel, Lily) (Filed on 7/27/2012) (Entered: 07/27/2012)</p>
07/27/2012	474	<p>NOTICE of Submission for In Camera, Ex Parte Review by Eric K. Shinseki, United States Department of Veterans Affairs, United States Secretary of Veterans Affairs re 473 Opposition/Response to Motion (Farel, Lily) (Filed on 7/27/2012) Modified on 7/30/2012 (cpS, COURT STAFF). (Entered: 07/27/2012)</p>
07/31/2012	475	<p>ORDER RE: DEFENDANTS RESPONSE TO THE COURTS JULY 19, 2012 ORDER (Dkt. No. 472). Signed by Magistrate Judge Jacqueline Scott</p>

		Corley on 7/31/2012. (ahm, COURT STAFF) (Filed on 7/31/2012) (Entered: 07/31/2012)
07/31/2012	476	ORDER RE: PLAINTIFFS MOTION TO COMPEL (Dkt. No. 467). Signed by Magistrate Judge Jacqueline Scott Corley (ahm, COURT STAFF) (Filed on 7/31/2012) (Entered: 07/31/2012)
08/02/2012	477	ORDER REGARDING DEFENDANTS 471 MOTION FOR PARTIAL RELIEF FROM A NON-DISPOSITIVE ORDER OF THE MAGISTRATE JUDGE. Signed by Judge Claudia Wilken on 8/2/2012. (ndr, COURT STAFF) (Filed on 8/2/2012) (Entered: 08/02/2012)
08/09/2012	478	RESPONSE (re 431 MOTION for Leave to File <i>Motion for Reconsideration</i> , 471 MOTION for Relief from Portion of Non-Dispositive Pretrial Order of Magistrate Judge re 469 Order on Motion to Compel) filed by William Blazinski, David C. Dufrane, Tim Michael Josephs, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares: Veterans Rights Organization, Vietnam Veterans of America. (Erspamer, Gordon) (Filed on 8/9/2012) (Entered: 08/09/2012)
08/15/2012	479	MOTION to Amend 418 Pretrial Scheduling Order filed by John McHugh, Leon E. Panetta, David H Petraeus, Eric K. Shinseki, United States Department of Defense, United States Department of Veterans Affairs, United States Department of the Army, United States Secretary of Veterans Affairs, United States of America. Motion Hearing set for 9/13/2012 02:00 PM in Courtroom 2, 4th Floor, Oakland before Hon. Claudia Wilken. Responses due by 8/29/2012. Replies due by 9/5/2012. (Attachments: # 1 Declaration, # 2 Exhibit A, # 3 Exhibit B, # 4 Proposed Order)(Gardner, Joshua) (Filed on 8/15/2012) Modified on 8/16/2012 (cpS, COURT STAFF). (Entered: 08/15/2012)
08/20/2012		CLERKS NOTICE. Notice is hereby given that the 479 motion to amend 418 pretrial scheduling order is an administrative motion. The hearing calendared for Thursday, September 13, 2012, and the briefing schedule set by counsel are vacated. Responses due by 8/20/2012. (This is a text only docket entry, there is no document associated with this notice.) (ndr, COURT STAFF) (Filed on 8/20/2012) (Entered: 08/20/2012)
08/20/2012	480	RESPONSE (re 479 MOTION to Amend 418 Pretrial Scheduling Order) filed by William Blazinski, David C. Dufrane, Tim Michael Josephs, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares: Veterans Rights Organization, Vietnam Veterans of America. (Attachments: # 1 Declaration)(Erspamer, Gordon) (Filed on 8/20/2012) Modified on 8/21/2012 (cpS, COURT STAFF). (Entered: 08/20/2012)
08/31/2012	481	ORDER GRANTING DEFENDANTS 479 MOTION TO AMEND SCHEDULING ORDER Motions due by 12/5/2012. Responses / Cross Motions due by 1/4/2013. Replies due by 2/1/2013. Replies due by 2/22/2013. Case Management Statement due by 3/7/2013. Motion Hearing / Further Case

		Management Conference set for 3/14/2013 02:00 PM. Final Pretrial Conference set for 7/10/2013 02:00 PM. Jury Selection set for 7/29/2013 08:30 AM before Hon. Claudia Wilken. Jury Trial (20 day) 7/29/2013 08:30 AM before Hon. Claudia Wilken. Signed by Judge Claudia Wilken on 8/31/2012. (ndr, COURT STAFF) (Filed on 8/31/2012) (Entered: 08/31/2012)
09/06/2012	482	<i>Joint Statement of Discovery Dispute Regarding Duration of Two of Plaintiffs' Expert Depositions</i> by Central Intelligence Agency, John McHugh, Leon E. Panetta, David H Petraeus, Eric K. Shinseki, United States Department of Defense, United States Department of Veterans Affairs, United States Department of the Army, United States Secretary of Veterans Affairs, United States of America, Vietnam Veterans of America, et al. (Littleton, Judson) (Filed on 9/6/2012) Modified on 9/7/2012 (cp, COURT STAFF). (Entered: 09/06/2012)
09/07/2012	483	ORDER RE: JOINT STATEMENT OF DISCOVERY DISPUTE (Dkt. No. 482). Signed by Magistrate Judge Jacqueline Scott Corley on 9/7/2012. (ahm, COURT STAFF) (Filed on 9/7/2012) (Entered: 09/07/2012)
09/12/2012	484	NOTICE of Appearance by Ryan B Parker (Parker, Ryan) (Filed on 9/12/2012) (Entered: 09/12/2012)
09/30/2012	485	ORDER by Judge Claudia Wilken granting in part, and denying in part, 346 Plaintiffs' Motion for Class Certification, denying 431 471 Defendants' Motions for Leave to File a Motion for Reconsideration and for Relief from a Nondispositive Order of Magistrate Judge, and granting in part, and denying in part, 439 Plaintiffs' Motion to Substitute. (cwl2, COURT STAFF) (Filed on 9/30/2012) (Entered: 09/30/2012)
10/03/2012	486	<i>FOURTH AMENDED COMPLAINT</i> against All Defendants. Filed by William Blazinski, Bruce Price, Vietnam Veterans of America, Franklin D. Rochelle, Eric P. Muth, Swords to Plowshares: Veterans Rights Organization, Tim Michael Josephs, Wray C. Forrest, Larry Meirrow, David C. Dufrane. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C)(Erspamer, Gordon) (Filed on 10/3/2012) Modified on 10/4/2012 (cp, COURT STAFF). (Entered: 10/03/2012)
10/16/2012	487	STIPULATION WITH PROPOSED ORDER Extending Time to File Answer re 486 Amended Complaint, filed by Central Intelligence Agency, John McHugh, Leon E. Panetta, David H Petraeus, Eric K. Shinseki, United States Department of Defense, United States Department of Veterans Affairs, United States Department of the Army, United States Secretary of Veterans Affairs, United States of America, Vietnam Veterans of America. (Attachments: # 1 Declaration)(Gardner, Joshua) (Filed on 10/16/2012) Modified on 10/17/2012 (cpS, COURT STAFF). (Entered: 10/16/2012)
10/17/2012	488	Order granting 487 Stipulation entered by Hon. Claudia Wilken. (This is a text-only entry generated by the court. There is no document associated with this entry.) (Entered: 10/17/2012)
11/16/2012	489	ANSWER to Amended Complaint by Central Intelligence Agency, John McHugh, Leon E. Panetta, David H Petraeus, Eric K. Shinseki, United States Department of Defense, United States Department of Veterans Affairs, United

		States Department of the Army, United States Secretary of Veterans Affairs, United States of America. (Gardner, Joshua) (Filed on 11/16/2012) (Entered: 11/16/2012)
12/04/2012	490	First MOTION for Partial Summary Judgment filed by William Blazinski, David C. Dufrane, Wray C. Forrest, Tim Michael Josephs, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares: Veterans Rights Organization, Vietnam Veterans of America. Motion Hearing set for 3/14/2013 02:00 PM in Courtroom 2, 4th Floor, Oakland before Hon. Claudia Wilken. Responses due by 12/18/2012. Replies due by 12/26/2012. (Attachments: # 1 Proposed Order)(Erspamer, Gordon) (Filed on 12/4/2012) Modified on 12/5/2012 (cpS, COURT STAFF). (Entered: 12/04/2012)
12/04/2012	491	Declaration of Ben Patterson in Support of 490 First MOTION for Partial Summary Judgment filed by William Blazinski, David C. Dufrane, Wray C. Forrest, Tim Michael Josephs, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares: Veterans Rights Organization, Vietnam Veterans of America. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Exhibit 3, # 4 Exhibit 4, # 5 Exhibit 5, # 6 Exhibit 6, # 7 Exhibit 7, # 8 Exhibit 8, # 9 Exhibit 9, # 10 Exhibit 10, # 11 Exhibit 11, # 12 Exhibit 12, # 13 Exhibit 13)(Related document(s) 490) (Erspamer, Gordon) (Filed on 12/4/2012) Modified on 12/5/2012 (cpS, COURT STAFF). (Entered: 12/04/2012)
12/10/2012	492	MOTION WITH PROPOSED ORDER <i>TO ENLARGE PAGES FOR THE PARTIES' SUMMARY JUDGMENT BRIEFING</i> filed by Central Intelligence Agency, John McHugh, David H Petraeus, Eric K. Shinseki, United States Department of Defense, United States Department of Veterans Affairs, United States Department of the Army, United States Secretary of Veterans Affairs, United States of America. (Gardner, Joshua) (Filed on 12/10/2012) Modified on 12/11/2012 (kcS,). (Entered: 12/10/2012)
12/13/2012	493	Order granting 492 Stipulation entered by Hon. Claudia Wilken. (This is a text-only entry generated by the court. There is no document associated with this entry.) (Entered: 12/13/2012)
12/26/2012	494	NOTICE by William Blazinski, David C. Dufrane, Tim Michael Josephs, Kathryn McMillan-Forrest, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares: Veterans Rights Organization, Vietnam Veterans of America <i>Notice of Withdrawal of Counsel</i> (Erspamer, Gordon) (Filed on 12/26/2012) (Entered: 12/26/2012)
01/04/2013	495	RESPONSE (re 490 First MOTION for Partial Summary Judgment) <i>and Cross-Motion for Summary Judgment</i> filed by Central Intelligence Agency, John McHugh, Leon E. Panetta, David H Petraeus, Eric K. Shinseki, United States Department of Defense, United States Department of Veterans Affairs, United States Department of the Army, United States Secretary of Veterans Affairs, United States of America. (Attachments: # 1 Proposed Order) (Gardner, Joshua) (Filed on 1/4/2013) (Entered: 01/04/2013)
01/04/2013	496	Declaration of Joshua E. Gardner in Support of 495 Opposition/Response to Motion, <i>and Cross-Motion for Summary Judgment</i> filed by Central Intelligence

		Agency, John McHugh, Leon E. Panetta, David H Petraeus, Eric K. Shinseki, United States Department of Defense, United States Department of Veterans Affairs, United States Department of the Army, United States Secretary of Veterans Affairs, United States of America. (Attachments: # 1 Exhibit Exhibit 1 (part 1), # 2 Exhibit Exhibit 1 (part 2), # 3 Exhibit Exhibit 1 (part 3), # 4 Exhibit Exhibit 2, # 5 Exhibit Exhibit 3, # 6 Exhibit Exhibit 4, # 7 Exhibit Exhibit 5, # 8 Exhibit Exhibit 6 (part 1), # 9 Exhibit Exhibit 6 (part 2), # 10 Exhibit Exhibit 6 (part 3), # 11 Exhibit Exhibit 7, # 12 Exhibit Exhibit 8, # 13 Exhibit Exhibit 9, # 14 Exhibit Exhibit 10, # 15 Exhibit Exhibit 11 (part 1), # 16 Exhibit Exhibit 11 (part 2), # 17 Exhibit Exhibit 11 (part 3), # 18 Exhibit Exhibit 12, # 19 Exhibit Exhibit 13, # 20 Exhibit Exhibit 14, # 21 Exhibit Exhibit 15, # 22 Exhibit Exhibit 16 (part 1), # 23 Exhibit Exhibit 16 (part 2), # 24 Exhibit Exhibit 16 (part 3), # 25 Exhibit Exhibit 17, # 26 Exhibit Exhibit 18, # 27 Exhibit Exhibit 19, # 28 Exhibit Exhibit 20, # 29 Exhibit Exhibit 21, # 30 Exhibit Exhibit 22, # 31 Exhibit Exhibit 23, # 32 Exhibit Exhibit 24, # 33 Exhibit Exhibit 25, # 34 Exhibit Exhibit 26, # 35 Exhibit Exhibit 27, # 36 Exhibit Exhibit 28, # 37 Exhibit Exhibit 29, # 38 Exhibit Exhibit 30, # 39 Exhibit Exhibit 31, # 40 Exhibit Exhibit 32, # 41 Exhibit Exhibit 33, # 42 Exhibit Exhibit 34, # 43 Exhibit Exhibit 35, # 44 Exhibit Exhibit 36, # 45 Exhibit Exhibit 37, # 46 Exhibit Exhibit 38, # 47 Exhibit Exhibit 39, # 48 Exhibit Exhibit 40, # 49 Exhibit Exhibit 41, # 50 Exhibit Exhibit 42, # 51 Exhibit Exhibit 43, # 52 Exhibit Exhibit 44, # 53 Exhibit Exhibit 45, # 54 Exhibit Exhibit 46, # 55 Exhibit Exhibit 47, # 56 Exhibit Exhibit 48, # 57 Exhibit Exhibit 49, # 58 Exhibit Exhibit 50, # 59 Exhibit Exhibit 51, # 60 Exhibit Exhibit 52, # 61 Exhibit Exhibit 53, # 62 Exhibit Exhibit 54, # 63 Exhibit Exhibit 55, # 64 Exhibit Exhibit 56, # 65 Exhibit Exhibit 57, # 66 Exhibit Exhibit 58, # 67 Exhibit Exhibit 59, # 68 Exhibit Exhibit 60, # 69 Exhibit Exhibit 61, # 70 Exhibit Exhibit 62, # 71 Exhibit Exhibit 63, # 72 Exhibit Exhibit 64, # 73 Exhibit Exhibit 65, # 74 Exhibit Exhibit 66, # 75 Exhibit Exhibit 67, # 76 Exhibit Exhibit 68, # 77 Exhibit Exhibit 69, # 78 Exhibit Exhibit 70, # 79 Exhibit Exhibit 71, # 80 Exhibit Exhibit 72, # 81 Exhibit Exhibit 73, # 82 Exhibit Exhibit 74, # 83 Exhibit Exhibit 75, # 84 Exhibit Exhibit 76)(Related document(s) 495) (Gardner, Joshua) (Filed on 1/4/2013) (Entered: 01/04/2013)
01/04/2013	497	<i>Index to Exhibits re 496 Declaration</i> filed by Central Intelligence Agency, John McHugh, Leon E. Panetta, David H Petraeus, Eric K. Shinseki, United States Department of Defense, United States Department of Veterans Affairs, United States Department of the Army, United States Secretary of Veterans Affairs, United States of America. (Related document(s) 496) (Gardner, Joshua) (Filed on 1/4/2013) Modified on 1/7/2013 (cpS, COURT STAFF). Modified on 1/7/2013 (cpS, COURT STAFF). (Entered: 01/04/2013)
01/04/2013	498	Administrative Motion to File Under Seal filed by Central Intelligence Agency, John McHugh, Leon E. Panetta, David H Petraeus, Eric K. Shinseki, United States Department of Defense, United States Department of Veterans Affairs, United States Department of the Army, United States Secretary of Veterans Affairs, United States of America. (Attachments: # 1 Declaration, # 2 Proposed Order)(Gardner, Joshua) (Filed on 1/4/2013) (Entered: 01/04/2013)

01/09/2013	499	Declaration of Ben Patterson in Support of 498 Administrative Motion to File Under Seal filed by William Blazinski, David C. Dufrane, Tim Michael Josephs, Kathryn McMillan-Forrest, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares: Veterans Rights Organization, Vietnam Veterans of America. (Attachments: # 1 Proposed Order)(Related document(s) 498) (Illovsy, Eugene) (Filed on 1/9/2013) (Entered: 01/09/2013)
01/16/2013	500	ORDER by Judge Claudia Wilken GRANTING DEFENDANTS 498 MOTION TO SEAL. (ndr, COURT STAFF) (Filed on 1/16/2013) (Entered: 01/16/2013)
01/17/2013	501	DOCUMENT E-FILED UNDER SEAL re 500 Order on Administrative Motion to File Under Seal <i>Exhibit 61 to Defendants' Opposition to Plaintiffs' Motion for Partial Summary Judgment and Cross-Motion for Summary Judgment</i> by Central Intelligence Agency, John McHugh, Leon E. Panetta, David H Petraeus, Eric K. Shinseki, United States Department of Defense, United States Department of Veterans Affairs, United States Department of the Army, United States Secretary of Veterans Affairs, United States of America. (Attachments: # 1 Exhibit 62, # 2 Exhibit 63, # 3 Exhibit 64, # 4 Exhibit 65, # 5 Exhibit 66)(Littleton, Judson) (Filed on 1/17/2013) (Entered: 01/17/2013)
02/01/2013	502	REPLY (re 490 First MOTION for Partial Summary Judgment) <i>and Opposition to Defendants' Cross-Motion for Summary Judgment</i> filed by William Blazinski, David C. Dufrane, Tim Michael Josephs, Kathryn McMillan-Forrest, Larry Meirow, Eric P. Muth, Bruce Price, Swords to Plowshares: Veterans Rights Organization, Vietnam Veterans of America. (Illovsy, Eugene) (Filed on 2/1/2013) (Entered: 02/01/2013)
02/01/2013	503	Declaration of Ben Patterson in Support of 502 Reply to Opposition/Response, <i>Plaintiffs' Motion for Summary Judgment and Defendants' Cross-Motion for Summary Judgment</i> filed by William Blazinski, David C. Dufrane, Tim Michael Josephs, Kathryn McMillan-Forrest, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares: Veterans Rights Organization, Vietnam Veterans of America. (Attachments: # 1 Exhibit 14, # 2 Exhibit 15, # 3 Exhibit 16, # 4 Exhibit 17, # 5 Exhibit 18, # 6 Exhibit 19, # 7 Exhibit 20, # 8 Exhibit 21, # 9 Exhibit 22, # 10 Exhibit 23, # 11 Exhibit 24, # 12 Exhibit 25, # 13 Exhibit 26, # 14 Exhibit 27, # 15 Exhibit 28, # 16 Exhibit 29, # 17 Exhibit 30, # 18 Exhibit 31, # 19 Exhibit 32, # 20 Exhibit 33, # 21 Exhibit 34, # 22 Exhibit 35, # 23 Exhibit 36)(Related document(s) 502) (Illovsy, Eugene) (Filed on 2/1/2013) (Entered: 02/01/2013)
02/05/2013	504	STIPULATION WITH PROPOSED ORDER <i>Stipulation Regarding Settlement Judge Referral</i> filed by William Blazinski, Central Intelligence Agency, David C. Dufrane, Eric H. Holder, Jr, Tim Michael Josephs, John McHugh, Kathryn McMillan-Forrest, Larry Meirow, Eric P. Muth, Leon E. Panetta, David H Petraeus, Bruce Price, Franklin D. Rochelle, Eric K. Shinseki, Swords to Plowshares: Veterans Rights Organization, United States Department of Defense, United States Department of Veterans Affairs, United States Department of the Army, United States Secretary of Veterans Affairs, United States of America, Vietnam Veterans of America. (Illovsy, Eugene)

		(Filed on 2/5/2013) (Entered: 02/05/2013)
02/06/2013	505	ORDER by Judge Claudia Wilken Granting 504 Stipulation Regarding Settlement Judge Referral. (ndr, COURT STAFF) (Filed on 2/6/2013) (Entered: 02/06/2013)
02/11/2013	506	Joint MOTION To Reschedule Settlement Conference <i>and [Proposed] Order</i> filed by William Blazinski, Central Intelligence Agency, David C. Dufrane, Eric H. Holder, Jr, Tim Michael Josephs, John McHugh, Kathryn McMillan-Forrest, Larry Meirow, Eric P. Muth, Leon E. Panetta, David H Petraeus, Bruce Price, Franklin D. Rochelle, Eric K. Shinseki, Swords to Plowshares: Veterans Rights Organization, United States Department of Defense, United States Department of Veterans Affairs, United States Department of the Army, United States Secretary of Veterans Affairs, United States of America, Vietnam Veterans of America. Responses due by 2/25/2013. Replies due by 3/4/2013. (Illovsky, Eugene) (Filed on 2/11/2013) (Entered: 02/11/2013)
02/12/2013	507	ORDER by Judge Claudia Wilken Granting 506 Motion To Reschedule Settlement Conference. (ndr, COURT STAFF) (Filed on 2/12/2013) (Entered: 02/12/2013)
02/13/2013	508	NOTICE of Appearance by Benjamin French Patterson (Patterson, Benjamin) (Filed on 2/13/2013) (Entered: 02/13/2013)
02/14/2013	509	Order Setting Settlement Conference before Chief Magistrate Judge Laporte: Further Settlement Conference set for 4/26/2013 09:30 AM in Courtroom E, 15th Floor, San Francisco. Signed by Chief Magistrate Judge Elizabeth D Laporte on 2/14/2013. (knm, COURT STAFF) (Filed on 2/14/2013) (Entered: 02/14/2013)
02/22/2013	510	REPLY (re 490 First MOTION for Partial Summary Judgment) <i>and Defendants' Cross-Motion for Summary Judgment</i> filed by Central Intelligence Agency, John McHugh, Leon E. Panetta, David H Petraeus, Eric K. Shinseki, United States Department of Defense, United States Department of Veterans Affairs, United States Department of the Army, United States Secretary of Veterans Affairs, United States of America. (Gardner, Joshua) (Filed on 2/22/2013) (Entered: 02/22/2013)
02/22/2013	511	Declaration of Joshua E. Gardner in Support of 510 Reply to Opposition/Response, filed by Central Intelligence Agency, John McHugh, Leon E. Panetta, David H Petraeus, Eric K. Shinseki, United States Department of Defense, United States Department of Veterans Affairs, United States Department of the Army, United States Secretary of Veterans Affairs, United States of America. (Attachments: # 1 Exhibit Exhibit 53, # 2 Exhibit Exhibit 54, # 3 Exhibit Exhibit 55, # 4 Exhibit Exhibit 56, # 5 Exhibit Exhibit 57, # 6 Exhibit Exhibit 58, # 7 Exhibit Exhibit 59, # 8 Exhibit Exhibit 60, # 9 Exhibit Exhibit 61, # 10 Exhibit Exhibit 62, # 11 Exhibit Exhibit 63, # 12 Exhibit Exhibit 64, # 13 Appendix Index to Exhibits)(Related document(s) 510) (Gardner, Joshua) (Filed on 2/22/2013) (Entered: 02/22/2013)
02/26/2013	512	STATEMENT OF RECENT DECISION pursuant to Civil Local Rule 7-3.d filed by Central Intelligence Agency, John McHugh, Leon E. Panetta, David H Petraeus, Eric K. Shinseki, United States Department of Defense, United

		States Department of Veterans Affairs, United States Department of the Army, United States Secretary of Veterans Affairs, United States of America. (Attachments: # 1 Exhibit Clapper v. Amnesty Int'l USA)(Related document (s) 495 , 510) (Gardner, Joshua) (Filed on 2/26/2013) (Entered: 02/26/2013)
02/27/2013	513	ERRATA re 510 Reply to Opposition/Response, 511 Declaration in Support,, by Central Intelligence Agency, John McHugh, Leon E. Panetta, David H Petraeus, Eric K. Shinseki, United States Department of Defense, United States Department of Veterans Affairs, United States Department of the Army, United States Secretary of Veterans Affairs, United States of America. (Attachments: # 1 Corrected Reply Brief, # 2 Corrected Declaration in Support of Reply Brief, # 3 Exhibit Exhibit 77, # 4 Exhibit Exhibit 78, # 5 Exhibit Exhibit 79, # 6 Exhibit Exhibit 80, # 7 Exhibit Exhibit 81, # 8 Exhibit Exhibit 82, # 9 Exhibit Exhibit 83, # 10 Exhibit Exhibit 84, # 11 Exhibit Exhibit 85, # 12 Exhibit Exhibit 86, # 13 Exhibit Exhibit 87, # 14 Exhibit Exhibit 88, # 15 Corrected Index To Appendix)(Gardner, Joshua) (Filed on 2/27/2013) (Entered: 02/27/2013)
03/06/2013	514	UPDATED JOINT CASE MANAGEMENT STATEMENT filed by William Blazinski, Central Intelligence Agency, David C. Dufrane, Eric H. Holder, Jr, Tim Michael Josephs, John McHugh, Kathryn McMillan-Forrest, Larry Meirow, Eric P. Muth, Leon E. Panetta, David H Petraeus, Bruce Price, Franklin D. Rochelle, Eric K. Shinseki, Swords to Plowshares: Veterans Rights Organization, United States Department of Defense, United States Department of Veterans Affairs, United States Department of the Army, United States Secretary of Veterans Affairs, United States of America, Vietnam Veterans of America. (Illovsky, Eugene) (Filed on 3/6/2013) Modified on 3/7/2013 (kcS,). (Entered: 03/06/2013)
03/14/2013	515	Minute Entry: Motion Hearing held on 3/14/2013 before Claudia Wilken (Date Filed: 3/14/2013), Further Case Management Conference held on 3/14/2013 before Claudia Wilken (Date Filed: 3/14/2013). (Court Reporter Rayne Mercado.) (ndr, COURT STAFF) (Date Filed: 3/14/2013) (Entered: 03/18/2013)
03/18/2013		Reset Hearing: 7/29/2013 Trial is a Bench NOT Jury Trial. (ndr, COURT STAFF) (Filed on 3/18/2013) (Entered: 03/18/2013)
03/20/2013	516	TRANSCRIPT ORDER by Central Intelligence Agency, John McHugh, Leon E. Panetta, David H Petraeus, Eric K. Shinseki, United States Department of Defense, United States Department of Veterans Affairs, United States Department of the Army, United States Secretary of Veterans Affairs, United States of America from Court Reporter Raynee Mercado. (Gardner, Joshua) (Filed on 3/20/2013) (Entered: 03/20/2013)
03/22/2013	517	NOTICE of response to court's questions during summary judgment hearing by Central Intelligence Agency, John McHugh, Leon E. Panetta, David H Petraeus, Eric K. Shinseki, United States Department of Defense, United States Department of Veterans Affairs, United States Department of the Army, United States Secretary of Veterans Affairs, United States of America (Gardner, Joshua) (Filed on 3/22/2013) Modified on 3/25/2013 (cpS, COURT STAFF). (Entered: 03/22/2013)

03/25/2013	518	TRANSCRIPT ORDER by William Blazinski, David C. Dufrane, Tim Michael Josephs, Kathryn McMillan-Forrest, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares: Veterans Rights Organization, Vietnam Veterans of America from Court Reporter Raynee Mercado. (Patterson, Benjamin) (Filed on 3/25/2013) (Entered: 03/25/2013)
03/26/2013	519	<i>Plaintiffs' Response to Court's Questions During Summary Judgment Hearing</i> by William Blazinski, David C. Dufrane, Tim Michael Josephs, Kathryn McMillan-Forrest, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares: Veterans Rights Organization, Vietnam Veterans of America (Illovsy, Eugene) (Filed on 3/26/2013) Modified on 3/27/2013 (cpS, COURT STAFF). (Entered: 03/26/2013)
04/10/2013	520	ORDER EXCUSING ATTENDANCE AT SETTLEMENT CONFERENCE. Signed by Judge Elizabeth D Laporte on 4/10/2013. (knm, COURT STAFF) (Filed on 4/10/2013) (Entered: 04/10/2013)
04/12/2013	522	ORDER EXCUSING ATTENDANCE AT SETTLEMENT CONFERENCE. Signed by Judge Elizabeth D Laporte on 4/12/2013. (knm, COURT STAFF) (Filed on 4/12/2013) (Entered: 04/12/2013)
04/24/2013	523	*****CORRECTION TO DOCKET #521***** Revised Transcript of Proceedings held on March 14, 2013, before Judge Claudia Wilken. ****Correction on page 13, line 14 correcting speaker identification**** Court Reporter Raynee H. Mercado, CSR, Telephone number 510-451-7530, rayneeh@hotmail.com, raynee_mercado@cand.uscourts.gov. Per General Order No. 59 and Judicial Conference policy, this transcript may be viewed only at the Clerks Office public terminal or may be purchased through the Court Reporter until the deadline for the Release of Transcript Restriction.After that date it may be obtained through PACER. Any Notice of Intent to Request Redaction, if required, is due no later than 5 business days from date of this filing. Release of Transcript Restriction set for 7/9/2013. (rhm) (Filed on 4/24/2013) (Entered: 04/24/2013)
04/26/2013	524	Minute Entry: Settlement Conference- case did not settle. Parties to update chambers within one week of the ruling on the motion for summary judgment. (Date Filed: 4/26/2013). (Court Reporter N/A.) (knmS, COURT STAFF) (Date Filed: 4/26/2013) (Entered: 04/26/2013)
05/03/2013	525	STIPULATION WITH PROPOSED ORDER <i>to amend pretrial scheduling order</i> filed by Central Intelligence Agency, John McHugh, Leon E. Panetta, David H Petraeus, Eric K. Shinseki, United States Department of Defense, United States Department of Veterans Affairs, United States Department of the Army, United States Secretary of Veterans Affairs, United States of America, Vietnam Veterans of America. (Attachments: # 1 Declaration) (Gardner, Joshua) (Filed on 5/3/2013) Modified on 5/7/2013 (cpS, COURT STAFF). (Entered: 05/03/2013)
05/08/2013	526	ORDER by Judge Claudia Wilken Granting 525 Stipulation to Amend Pretrial Scheduling Order. (ndr, COURT STAFF) (Filed on 5/8/2013) (Entered: 05/08/2013)
05/08/2013		Set Hearing: Final Pretrial Conference set for 7/18/2013 02:00 PM. See

		Docket No. 526 . (ndr, COURT STAFF) (Filed on 5/8/2013) (Entered: 05/08/2013)
06/10/2013	527	MOTION for Enlargement of Pretrial Schedule filed by Central Intelligence Agency, Eric H. Holder, Jr, John McHugh, Leon E. Panetta, David H Petraeus, Eric K. Shinseki, United States Department of Defense, United States Department of Veterans Affairs, United States Department of the Army, United States Secretary of Veterans Affairs, United States of America. Motion Hearing set for 7/11/2013 02:00 PM in Courtroom 2, 4th Floor, Oakland before Hon. Claudia Wilken. Responses due by 6/24/2013. Replies due by 7/1/2013. (Attachments: # 1 Proposed Order, # 2 Declaration of Joshua E. Gardner)(Farel, Lily) (Filed on 6/10/2013) Modified on 6/11/2013 (cpS, COURT STAFF). (Entered: 06/10/2013)
06/11/2013	528	Notification of Request for Video Recording of July 29, 2013 Trial Pursuant to General Order 65 and Cameras in the Courtroom Pilot Project. NO LATER THAN JUNE 21, 2013, All Parties Must Complete the Attached Party Response and Email it to cameras@cand.uscourts.gov. (Attachments: # 1 Party Response to Request for Video Recording) (cmw, COURT STAFF) (Filed on 6/11/2013) (Entered: 06/11/2013)
06/11/2013	529	RESPONSE (re 527 MOTION for Enlargement of Pretrial Schedule) filed byWilliam Blazinski, David C. Dufrane, Tim Michael Josephs, Kathryn McMillan-Forrest, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares: Veterans Rights Organization, Vietnam Veterans of America. (Illovsky, Eugene) (Filed on 6/11/2013) Modified on 6/12/2013 (cpS, COURT STAFF). (Entered: 06/11/2013)
06/12/2013	530	REPLY (re 527 MOTION for Enlargement of Pretrial Schedule) filed byCentral Intelligence Agency, Eric H. Holder, Jr, John McHugh, Leon E. Panetta, David H Petraeus, Eric K. Shinseki, United States Department of Defense, United States Department of Veterans Affairs, United States Department of the Army, United States Secretary of Veterans Affairs, United States of America. (Farel, Lily) (Filed on 6/12/2013) (Entered: 06/12/2013)
06/17/2013	531	NOTICE of Change In Counsel by Joshua Edward Gardner (Gardner, Joshua) (Filed on 6/17/2013) (Entered: 06/17/2013)
06/18/2013	532	ORDER by Judge Claudia Wilken Granting 527 Motion for Enlargement of Pretrial Schedule. (ndr, COURT STAFF) (Filed on 6/18/2013) (Entered: 06/18/2013)
06/18/2013		See Order, Docket No. 532 . Reset Hearings: Final Pretrial Conference set for 7/31/2013 02:00 PM; Bench Trial (20 day)set for 8/12/2013 08:30 AM before Hon. Claudia Wilken. (ndr, COURT STAFF) (Filed on 6/18/2013) (Entered: 06/18/2013)
06/20/2013	533	NOTICE Regarding Proposed Video Recording.(cmw, COURT STAFF) (Filed on 6/20/2013) (Entered: 06/20/2013)
06/28/2013	534	STIPULATION WITH PROPOSED ORDER <i>to Enlarge Pretrial and Trial Dates</i> filed by William Blazinski, David C. Dufrane, Tim Michael Josephs, Kathryn McMillan-Forrest, Larry Meirow, Eric P. Muth, Bruce Price, Franklin

		D. Rochelle, Swords to Plowshares: Veterans Rights Organization, Vietnam Veterans of America, Central Intelligence Agency. (Attachments: # 1 Declaration of Ben Patterson in Support of Stipulation to Enlarge Pretrial and Trial Dates)(Illovsky, Eugene) (Filed on 6/28/2013) Modified on 7/1/2013 (cpS, COURT STAFF). (Entered: 06/28/2013)
07/01/2013	535	Order deferring ruling on 534 Stipulation entered by Hon. Claudia Wilken. The trial date and length will be addressed after the summary judgment order is released. (This is a text-only entry generated by the court. There is no document associated with this entry.) (Entered: 07/01/2013)
07/18/2013	536	CLERKS NOTICE Pretrial conference and due dates for all pretrial filings will be continued. Written order to follow.This is a text-only docket entry. (cwlc2S, COURT STAFF) (Filed on 7/18/2013) (Entered: 07/18/2013)
07/24/2013	537	ORDER by Judge Claudia Wilken GRANTING IN PART AND DENYING IN PART PLAINTIFFS 490 MOTION FOR SUMMARY JUDGMENT AND GRANTING IN PART AND DENYING IN PART DEFENDANTS 495 MOTION FOR SUMMARY JUDGMENT. (ndr, COURT STAFF) (Filed on 7/24/2013) Modified on 7/25/2013 (cpS, COURT STAFF). (Entered: 07/24/2013)
08/05/2013	538	MOTION for Leave to File <i>Motion for Reconsideration Regarding APA Medical Care Claim</i> filed by William Blazinski, David C. Dufrane, Tim Michael Josephs, Kathryn McMillan-Forrest, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares: Veterans Rights Organization, Vietnam Veterans of America. (Attachments: # 1 Exhibit 1, # 2 Proposed Order)(Illovsky, Eugene) (Filed on 8/5/2013) (Entered: 08/05/2013)
08/06/2013	539	[Proposed] Injunction and Judgment Pursuant to the Court's Summary Judgment Order 537 by William Blazinski, Central Intelligence Agency, David C. Dufrane, Eric H. Holder, Jr, Tim Michael Josephs, John McHugh, Kathryn McMillan-Forrest, Larry Meirow, Eric P. Muth, Leon E. Panetta, David H Petraeus, Bruce Price, Franklin D. Rochelle, Eric K. Shinseki, Swords to Plowshares: Veterans Rights Organization, United States Department of Defense, United States Department of Veterans Affairs, United States Department of the Army, United States Secretary of Veterans Affairs, United States of America, Vietnam Veterans of America. (Illovsky, Eugene) (Filed on 8/6/2013) Modified on 8/7/2013 (cpS, COURT STAFF). (Entered: 08/06/2013)
10/11/2013	540	***DISREGARD, SEE DOCKET NO. 541 *** NOTICE OF INTENDED AMENDED ORDER, INJUNCTION AND JUDGMENT. Signed by Judge Claudia Wilken on 10/11/2013. (Attachments: # 1 amended order, # 2 judgment, # 3 injunction)(ndr, COURT STAFF) (Filed on 10/11/2013) Modified on 10/11/2013 (ndr, COURT STAFF). (Entered: 10/11/2013)
10/11/2013	541	NOTICE OF INTENDED AMENDED ORDER, INJUNCTION AND JUDGMENT. Signed by Judge Claudia Wilken on 10/11/2013. (Attachments: # 1 Order, # 2 Judgment, # 3 Injunction)(ndr, COURT STAFF) (Filed on 10/11/2013) (Entered: 10/11/2013)

10/21/2013	542	RESPONSE to re 541 Order <i>proposed injunction and judgment</i> by Central Intelligence Agency, Eric H. Holder, Jr, John McHugh, Leon E. Panetta, David H Petraeus, Eric K. Shinseki, United States Department of Defense, United States Department of Veterans Affairs, United States Department of the Army, United States Secretary of Veterans Affairs, United States of America. (Gardner, Joshua) (Filed on 10/21/2013) Modified on 10/22/2013 (cpS, COURT STAFF). (Entered: 10/21/2013)
10/25/2013	543	RESPONSE to 542 <i>Defendants Response to the Courts Proposed Injunction and Judgment</i> by William Blazinski, David C. Dufrane, Tim Michael Josephs, Kathryn McMillan-Forrest, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares: Veterans Rights Organization, Vietnam Veterans of America. (Illovsy, Eugene) (Filed on 10/25/2013) Modified on 10/28/2013 (cpS, COURT STAFF). (Entered: 10/25/2013)
11/19/2013	544	ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFFS 490 MOTION FOR SUMMARY JUDGMENT AND GRANTING IN PART AND DENYING IN PART DEFENDANTS 495 MOTION FOR SUMMARY JUDGMENT. Signed by Judge Claudia Wilken on 11/19/2013. (ndr, COURT STAFF) (Filed on 11/19/2013) (Entered: 11/19/2013)
11/19/2013	545	INJUNCTION PURSUANT TO THE COURTS 544 SUMMARY JUDGMENT ORDER. Signed by Judge Claudia Wilken on 11/19/2013. (ndr, COURT STAFF) (Filed on 11/19/2013) (Entered: 11/19/2013)
11/19/2013	546	JUDGMENT. ***Civil Case Terminated.*** Signed by Judge Claudia Wilken on 11/19/2013. (ndr, COURT STAFF) (Filed on 11/19/2013) (Entered: 11/19/2013)
11/26/2013	547	NOTICE OF APPEAL to the 9th CCA William Blazinski, David C. Dufrane, Tim Michael Josephs, Kathryn McMillan-Forrest, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares: Veterans Rights Organization, Vietnam Veterans of America.(Appeal fee of \$455 receipt number 0971-8190102 paid.) (Attachments: # 1 Exhibit A)(Illovsy, Eugene) (Filed on 11/26/2013) (Entered: 11/26/2013)
11/27/2013	548	USCA Case Number 13-17430 Ninth Circuit Court of Appeals for 547 Notice of Appeal, filed by Eric P. Muth, Larry Meirow, Kathryn McMillan-Forrest, Swords to Plowshares: Veterans Rights Organization, David C. Dufrane, Franklin D. Rochelle, Bruce Price, Vietnam Veterans of America, William Blazinski, Tim Michael Josephs. (kk, COURT STAFF) (Filed on 11/27/2013) (Entered: 11/27/2013)
12/04/2013	549	Transcript of Proceedings held on December 3, 2009, before Judge Claudia Wilken. Court Reporter Diane E. Skillman, Telephone number 510-451-2930, Diane_Skillman@cand.uscourts.gov, diane.transcripts@aol.com. Per General Order No. 59 and Judicial Conference policy, this transcript may be viewed only at the Clerks Office public terminal or may be purchased through the Court Reporter until the deadline for the Release of Transcript Restriction.After that date it may be obtained through PACER. Any Notice of Intent to Request Redaction, if required, is due no later than 5 business days

		from date of this filing. Release of Transcript Restriction set for 12/4/2013. (Skillman, Diane) (Filed on 12/4/2013) (Entered: 12/04/2013)
12/04/2013	550	Transcript Designation Form for proceedings held on 12/3/2009; 4/5/2012; 3/14/2013 before Judge CW, re 547 Notice of Appeal, 548 USCA Case Number, Transcript due by 1/27/2014. (Patterson, Benjamin) (Filed on 12/4/2013) (Entered: 12/04/2013)
01/21/2014	551	NOTICE OF CROSS APPEAL by Central Intelligence Agency, Eric H. Holder, Jr, John McHugh, Leon E. Panetta, David H Petraeus, Eric K. Shinseki, United States Department of Defense, United States Department of Veterans Affairs, United States Department of the Army, United States Secretary of Veterans Affairs, United States of America. Appeal Record due by 2/20/2014. (Attachments: # 1 Exhibit)(Gardner, Joshua) (Filed on 1/21/2014) (Entered: 01/21/2014)
01/21/2014	552	USCA Case Number 14-15108 for 551 Notice of Cross Appeal, filed by United States Department of Defense, United States Department of the Army, John McHugh, Eric H. Holder, Jr., Central Intelligence Agency, United States of America, United States Secretary of Veterans Affairs, Eric K. Shinseki, David H Petraeus, Leon E. Panetta, United States Department of Veterans Affairs. (cjl, COURT STAFF) (Filed on 1/21/2014) (Entered: 01/21/2014)
01/22/2014	553	MOTION to Stay re 545 Permanent Injunction, 546 Judgment filed by Central Intelligence Agency, Eric H. Holder, Jr, John McHugh, Leon E. Panetta, David H Petraeus, Eric K. Shinseki, United States Department of Defense, United States Department of Veterans Affairs, United States Department of the Army, United States Secretary of Veterans Affairs, United States of America. Motion Hearing set for 2/27/2014 02:00 PM in Courtroom 2, 4th Floor, Oakland before Hon. Claudia Wilken. Responses due by 2/5/2014. Replies due by 2/12/2014. (Attachments: # 1 Declaration of Joshua E. Gardner, # 2 Declaration of Dee Dodson Morris, # 3 Proposed Order) (Gardner, Joshua) (Filed on 1/22/2014) Modified on 1/23/2014 (cpS, COURT STAFF). (Entered: 01/22/2014)
01/22/2014	554	STIPULATION WITH PROPOSED ORDER to Shorten Time for Briefing and Argument re 553 MOTION to Stay re 545 Permanent Injunction, 546 Judgment filed by Central Intelligence Agency, Eric H. Holder, Jr, John McHugh, Leon E. Panetta, David H Petraeus, Eric K. Shinseki, United States Department of Defense, United States Department of Veterans Affairs, United States Department of the Army, United States Secretary of Veterans Affairs, United States of America, Vietnam Veterans of America, et al. (Attachments: # 1 Declaration of Joshua E. Gardner)(Gardner, Joshua) (Filed on 1/22/2014) Modified on 1/23/2014 (cpS, COURT STAFF). (Entered: 01/22/2014)
01/24/2014	555	Order granting in part and denying in part 554 Stipulation entered by Hon. Claudia Wilken. The briefing schedule is adopted but the matter will be decided on the papers. (This is a text-only entry generated by the court. There is no document associated with this entry.) (Entered: 01/24/2014)
01/27/2014		***See text order, document # 555 . Set/Reset Deadlines as to 553 MOTION

to Stay re [545](#) Permanent Injunction, [546](#) Judgment . Responses due by 1/30/2014. Replies due by 2/4/2014. (cpS, COURT STAFF) (Filed on 1/27/2014) (Entered: 01/27/2014)

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