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 Vietnam Veterans of America; Swords to
 9 Plowshares: Veterans Rights Organization;
 Bruce Price; Franklin D. Rochelle; Larry
 10 Meirow; Eric P. Muth; David C. Dufrane;
 and Wray C. Forrest
 11

12 UNITED STATES DISTRICT COURT
 13 NORTHERN DISTRICT OF CALIFORNIA
 14 OAKLAND DIVISION
 15

16 VIETNAM VETERANS OF AMERICA, *et al.*,

17 Plaintiffs,

18 v.

19 CENTRAL INTELLIGENCE AGENCY, *et al.*,

20 Defendants.
 21
 22
 23

Case No. CV 09-0037-CW

**DECLARATION OF ADRIANO
 HRVATIN IN SUPPORT OF
 STIPULATION AND [PROPOSED]
 ORDER CONTINUING HEARING ON
 DEFENDANTS' MOTION TO DISMISS
 FIRST AMENDED COMPLAINT AND
 INITIAL CASE MANAGEMENT
 CONFERENCE**

1 I, Adriano Hrvatin, declare as follows:

2 1. I am an attorney licensed to practice law in the State of California and am admitted
3 to practice before this Court. I am an associate with the law firm of Morrison & Foerster LLP,
4 counsel of record for Vietnam Veterans of America, Swords to Plowshares: Veterans Rights
5 Organization, Bruce Price, Franklin D. Rochelle, Larry Meirow, Eric P. Muth, David C. Dufrane
6 and Wray C. Forrest (“Plaintiffs”) in this action. I submit this Declaration in support of the
7 parties’ Stipulation and [Proposed] Order Continuing Hearing on Defendants’ Motion to Dismiss
8 First Amended Complaint and Initial Case Management Conference. I make this Declaration
9 based on personal knowledge, except for any items stated on information and belief, which I am
10 informed and believe are true. If called as a witness, I would testify to the facts set forth below.

11 2. On August 14, 2009, Defendants filed a motion to dismiss Plaintiffs’ First
12 Amended Complaint (the “Motion”). (*See* Docket No. 34.)

13 3. On September 15, 2009, the Court entered a modified briefing and hearing
14 schedule in connection with the Motion, pursuant to a stipulation submitted by the parties.
15 (Docket No. 42.) The Court’s order also continued the Initial Case Management Conference to
16 November 12, 2009 so that it would coincide with the continued hearing date on the Motion.
17 (*Id.*)

18 4. Pursuant to the modified briefing schedule, Plaintiffs filed an opposition to the
19 Motion on October 2, 2009 (Docket No. 43), and Defendants filed a reply in support of the
20 Motion on October 23, 2009 (Docket No 47).

21 5. On October 27, 2009, I conferred with Defendants’ counsel, Caroline Lewis
22 Wolverton, regarding a continuance of the hearing date on Defendants’ Motion and the Initial
23 Case Management Conference. I identified that lead trial counsel for Plaintiffs on this matter,
24 Gordon Erspamer, has a scheduling conflict that will take him out of the country for the majority
25 of the month of November. As lead trial counsel, Mr. Erspamer will argue on behalf of Plaintiffs
26 in opposition to Defendants’ Motion, and his attendance at the Initial Case Management
27 Conference is mandatory. *See* Civil L.R. 16-10(a). Ms. Wolverton agreed to a continuance of the
28 hearing date on Defendants’ Motion as well as the Initial Case Management Conference.

