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

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UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 OAKLAND DIVISION

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

Case No. CV 09-0037-CW

**NOTICE OF MOTION & MOTION
 FOR LEAVE TO FILE THIRD
 AMENDED COMPLAINT**

Hearing Date: July 15, 2010
 Time: 2:00 P.M.
 Courtroom: 2, 4th Floor
 Judge: Hon. Claudia Wilken

1 TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD HEREIN:

2 YOU ARE HEREBY NOTIFIED THAT on July 15, 2010, at 2:00 P.M., or as soon
3 thereafter as counsel may be heard, before the Honorable Claudia Wilkin in the United States
4 District Court for the Northern District of California, located at 1301 Clay Street, Courtroom 2,
5 4th Floor, Oakland, California 94612, Plaintiffs, Vietnam Veterans of America; Swords to
6 Plowshares: Veterans Rights Organization; Bruce Price; Franklin D. Rochelle; Larry Meirow;
7 Eric P. Muth; David C. Dufrane; and Wray C. Forrest (collectively, "Plaintiffs"), will, and hereby
8 do, move the Court for an Order granting Plaintiffs leave to file a Third Amended Complaint.

9 Plaintiffs further respectfully request that this Court issue an order that the proposed Third
10 Amended Complaint lodged herewith is deemed filed and served as of the date of the granting of
11 this motion.

12 This motion is made pursuant to Federal Rule of Civil Procedure 15(a), on the grounds
13 that leave should be freely granted where, as here, (1) Plaintiffs are not acting in bad faith by
14 seeking leave to amend; (2) Plaintiffs have not engaged in undue delay; (3) the proposed
15 amendment will not prejudice Defendants; and (4) the proposed amendment would not be futile.
16 The motion is based on this notice, the memorandum of points and authorities, the declaration of
17 Gordon Erspamer, attached exhibits, and the complete files and records in this action.

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21 Dated: June 7, 2010

GORDON P. ERSPAMER
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ADRIANO HRVATIN
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25 By: s/Gordon P. Erspamer
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Beaudoin, Kathy E.

From: ECF-CAND@cand.uscourts.gov

Sent: Monday, June 07, 2010 3:51 PM

To: efilings@cand.uscourts.gov

Subject: Activity in Case 4:09-cv-00037-CW Vietnam Veterans of America et al v. Central Intelligence Agency et al Motion for Leave to File

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U.S. District Court
Northern District of California
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The following transaction was received from by Erspamer, Gordon entered on 6/7/2010 3:50 PM and filed on 6/7/2010

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
Wray C. Forrest

6/7/2010

Document Number: [87](#)

Docket Text:

MOTION for Leave to File *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)

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:

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Document description:Main Document

Original filename:C:\Documents and Settings\keb1

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[STAMP CANDStamp_ID=977336130 [Date=6/7/2010] [FileNumber=6427443-0] [91d12936149f7fe429f5b79ed03528a34040c901a5bc3df6dd03b1322d3ceea028ee07753c17742745da868bc99b11e16bd2859306aa59a9d80bbeecb421246d]]