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September 22, 2010

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By ECF and Overnight Delivery

Honorable Claudia Wilken
United States District Court
Northern District of California
1301 Clay Street, Courtroom 2
Oakland, California 94612

Re: *Vietnam Veterans of America, et al. v. Central Intelligence Agency, et al.*,
Case No. 09-00037

Dear Judge Wilken:

I write to bring to the Court's attention an inadvertent misstatement contained in Plaintiffs' Opposition to Defendants' Motion for Protective Order Staying Further Discovery (Docket No. 151).

In discussing the scope of work contemplated by Section 3.5 of the Statement of Work ("SOW") attached to the Declaration of Michael Kilpatrick (Docket No. 134), Plaintiffs' Opposition brief states that Fort Detrick was not included among the search sites contemplated by the SOW. (Opp'n at 8.) The SOW, however, does identify "Medical Research Institute of Infectious Diseases" (USAMRIID) as a search site. Based on our review of the Declaration of Anthony Lee (Docket No. 146), submitted last week in support of Defendants' oppositions to Plaintiffs' motions to compel currently pending before Magistrate Judge Larson, we now understand that USAMRIID is located at Fort Detrick — indicating that at least some Fort Detrick records are included in the scope of the SOW. The SOW also identifies the "RDECOM Historical Office" as a search site. Mr. Lee's declaration states that this office is located at Edgewood Area, Aberdeen Proving Ground, Maryland, indicating that these Edgewood records also fall within the SOW.

We sincerely regret the error in interpreting the SOW, and any confusion that it may have caused. This mistake, however, serves to emphasize the critical importance of Rule 30(b)(6) deposition testimony that Plaintiffs have sought of Defendants. This testimony will be a critical aid to Plaintiffs' efforts to decipher the jargon and (often technical) details surrounding Defendants' testing programs. Plaintiffs' efforts to enforce the Rule 30(b)(6)

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deposition notices served on Defendants is the subject of a motion to compel (Docket No. 125) currently pending before the Magistrate.

Very truly yours,

/s/ GORDON P. ERSPAMER

Gordon P. Erspamer

cc: All Counsel of Record (*by ECF*)

Other Documents

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

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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

Document Number: [154](#)

Docket Text:

ERRATA re [151] Memorandum in Opposition, Errata Letter to Judge Wilken re 151, Plaintiffs Opposition to Defendants Motion for Protective Order Staying Further 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 9/22/2010)

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