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 Vietnam Veterans of America; Swords to Plowshares: Veterans
 11 Rights Organization; Bruce Price; Franklin D. Rochelle; Larry
 Meirow; Eric P. Muth; David C. Dufrane; and Wray C. Forrest
 12

13 UNITED STATES DISTRICT COURT
 14 NORTHERN DISTRICT OF CALIFORNIA
 15 OAKLAND DIVISION
 16

17 VIETNAM VETERANS OF AMERICA, *et al.*,
 18 Plaintiffs,
 19 v.
 20 CENTRAL INTELLIGENCE AGENCY, *et al.*,
 21 Defendants.

Case No. CV 09-0037-CW

**DECLARATION OF GORDON P.
 ERSPAMER IN SUPPORT OF
 PLAINTIFFS' OPPOSITION TO
 DEFENDANTS' MOTION FOR
 PROTECTIVE ORDER
 LIMITING SCOPE OF
 DISCOVERY**

Date: October 27, 2010
 Time: 9:30 a.m.
 Ctrm: F, 15th Floor
 Judge: Hon. James Larson

Complaint filed January 7, 2009

1 I, Gordon P. Erspamer, 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 a senior counsel 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
7 Plaintiffs’ Opposition to Defendants’ Motion for Protective Order Limiting Scope of Discovery.
8 I make this Declaration based on personal knowledge. If called as a witness, I would testify to
9 the facts set forth below.

10 2. Attached hereto as Exhibit A is what I am informed and believe is a true and
11 correct copy of a May 29, 1973 Memorandum for the Director of Research and Development,
12 produced by Defendants bearing the Bates numbers VVA023819 through VVA023820.

13 3. Attached hereto as Exhibit B is what I am informed and believe is a true and
14 correct copy of a January 1955 report by the Army Chemical Corps Laboratories entitled *The*
15 *Medical Laboratories of the Army Chemical Corps and Their Research Activities*, available at the
16 Department of Energy’s public website: [https://www.osti.gov/opennet/servlets/purl/16387338-](https://www.osti.gov/opennet/servlets/purl/16387338-16XBjD/16387338.pdf)
17 [16XBjD/16387338.pdf](https://www.osti.gov/opennet/servlets/purl/16387338-16XBjD/16387338.pdf) (last visited October 5, 2010).

18 4. Attached hereto as Exhibit C is what I am informed and believe is a true and
19 correct copy of an excerpt of the Congressional record containing the testimony of Dianne C.
20 Siemer, General Counsel for the Department of Defense, to the Senate Subcommittee on Health
21 & Scientific Research in September 1977, produced by Defendants bearing the Bates numbers
22 VVA023924 through VVA023939.

23 5. Attached hereto as Exhibit D is what I am informed and believe is a true and
24 correct copy of a June 23, 1970 memorandum concerning the subject “Review of EA 3167
25 Study,” produced by Defendants bearing the Bates numbers VVA023799 through VVA023800.
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1 I declare under penalty of perjury under the laws of the United States of America that the
2 foregoing is true and correct and that this Declaration was executed in San Francisco, California
3 on this 6th day of October, 2010.

4
5 /s/ GORDON P. ERSPAMER
6 Gordon P. Erspamer
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Other Supporting Documents

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

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Northern District of California
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The following transaction was received from by Erspamer, Gordon entered on 10/6/2010 4:28 PM and filed on 10/6/2010

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

Document Number: [158](#)

Docket Text:

[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)

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\keb1

\Desktop\Fax_File_or_Docket\GPE_Decl_iso_Pls__Opp_to_Def_s_MPO_to_Limit_Discovery.pdf

Electronic document Stamp:

[STAMP CANDStamp_ID=977336130 [Date=10/6/2010] [FileNumber=6790912-0]

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Document description:Exhibit A to Erspamer Declaration

Original filename:\\pracsupsf1\pracsup\$\86015\0000001\Working Files\VET1\20101006_Pltfs. Opp to Mtn to Limit Discovery\Ex. A_19730529 Memo re Summ of Proj OFTEN Clin Tests.pdf

Electronic document Stamp:

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Document description:Exhibit B to Erspamer Declaration

Original filename:\\pracsupsf1\pracsup\$\86015\0000001\Working Files\VET1\20101006_Pltfs. Opp to Mtn to Limit Discovery\Ex. B_Medical Labs. Special Report No. 59 (1955).pdf

Electronic document Stamp:

[STAMP CANDStamp_ID=977336130 [Date=10/6/2010] [FileNumber=6790912-2]

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Document description:Exhibit C to Erspamer Declaration

Original filename:\\pracsupsf1\pracsup\$\86015\0000001\Working Files\VET1\20101006_Pltf. Opp to Mtn to Limit Discovery\Ex. C_19770900 Siemer Testimony to Senate.pdf

Electronic document Stamp:

[STAMP CANDStamp_ID=977336130 [Date=10/6/2010] [FileNumber=6790912-3]

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Document description:Exhibit D to Erspamer Declaration

Original filename:\\pracsupsf1\pracsup\$\86015\0000001\Working Files\VET1\20101006_Pltf. Opp to Mtn to Limit Discovery\Ex. D_19700623 Memo re Review of EA 3167 Study.pdf

Electronic document Stamp:

[STAMP CANDStamp_ID=977336130 [Date=10/6/2010] [FileNumber=6790912-4]

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