

EXHIBIT J

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10 Attorneys for DEFENDANTS

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

14
 15 VIETNAM VETERANS OF AMERICA, *et al.*,
 16 Plaintiffs,
 17 v.
 18 CENTRAL INTELLIGENCE AGENCY, *et al.*,
 19 Defendants.

Case No. CV 09-0037-CW

**DEFENDANTS' RULE 26 (a)(1)
 DISCLSURES**

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 22 In accordance with Federal Rule of Civil Procedure 26(a)(1), Defendants, by and through
 23 their undersigned counsel, make the following initial disclosures based upon the information now
 24 reasonably available to them.

- 25 1. Fed. R. Civ. P. 26(a)(1)(A)(i): the name and, if known, the address and telephone
 26 number of each individual likely to have discoverable information – along with the
 27 subjects of that information – that the disclosing party may use to support its
 28 claims or defenses, unless the use would be solely for impeachment

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- a. Dr. Michael Kilpatrick OSD (HA/TMA) (Strategic Communications), has information regarding the Department of Defense’s compilation of a registry [hereinafter “DoD CB follow-on Database”] of the veterans who participated in chemical and biological agent testing at Edgewood Arsenal and Fort Detrick, Maryland and the DoD telephone hotline for inquiries of veterans who participated in testing.
- b. Mr. Anthony Lee, Office of the Under Secretary of Defense for Acquisition, Technology, and Logistics (USD(ATL)) has information regarding the specific content of the DoD CB follow-on Database.
- c. Mr. Arthur O. Anderson, M.D., of the U.S. Army Medical Research Institute of Infectious Disease (“USAMRIID”), Office of Human Use and Ethics has information and historical knowledge regarding human testing at Fort Detrick and Edgewood Arsenal.
- d. Ms. Laura Ruse Brosch, R.N., Ph.D., Director, Human Research Protection Office at U.S. Army Medical Research and Material Command (“MRMC”) has information regarding human testing which occurred at Fort Detrick and Edgewood, including files regarding LSD.
- e. Mr. Lloyd Roberts, U.S. Army Medical Research Institute of Chemical Defense, has information regarding the human testing programs at Edgewood.
- f. Dr. James A. Baker, Associate Director of Edgewood Chemical Biological Center, has information regarding the human testing programs at Edgewood.

- 1 g. Ms. Martha Hamed, Office of the Secretary of Defense, has information
2 regarding documents gathered between 1993-2007 that pertain to the
3 human testing programs at Edgewood and secrecy oaths.
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5 h. Michael Peterson, Chief Consultant, Environmental Strategic Health
6 Group, Veterans Health Administration, Department of Veterans' Affairs
7 ("VA"), has information about VA medical care that may be available to
8 veterans who participated in chemical and biological testing by the
9 military.
10 i. Paul Black, Assistant Director for Procedures, Compensation and Pension
11 Service, Veterans Benefits Administration, VA, has information regarding
12 VA's outreach efforts concerning veterans who participated in chemical
13 and biological testing by the military.
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16 Each of the above-named individuals may be contacted through undersigned counsel.
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18 In addition to the above-identified individuals, Defendants may use testimony from the
19 following individuals to support their claims or defenses: the individually named Plaintiffs,
20 officers and employees of the organizational Plaintiffs, putative class members, any individuals
21 identified by Plaintiffs in their initial disclosures or discovery responses, and any experts who are
22 identified by the parties.
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25 2. Fed. R. Civ. P. 26(a)(1)(A)(ii): a copy – or a description by category and location –
26 of all documents, electronically stored information, and tangible things that the
27 disclosing party has in its possession, custody, or control and may use to support
its claims or defenses, unless the use would be solely for impeachment

- 28 a. Documents produced by Defendants within the Bates-range VVA 000001- 009209

- 1 b. Documents produced by the VA within the Bates-range VVA-VA 009210-023788
- 2 c. DoD CB Follow-on Database. The database is maintained by DoD in Arlington,
- 3 Virginia.
- 4 d. Army personnel files of unnamed putative class members. Such files are located
- 5 in at the National Personnel Records Center, St. Louis, Missouri.
- 6 e. Microfiche containing the medical records of test participants at Fort Detrick and
- 7 Edgewood. The microfiche is maintained at USAMRIID, Fort Detrick.
- 8 f. Approximately 19 boxes containing documents related to human testing over the
- 9 last fifty years maintained by the Office of the Under Secretary of Personnel and
- 10 Readiness, DoD, Arlington, VA.
- 11 g. Plans and documents relating to the tests involving human subjects at Edgewood
- 12 and Fort Detrick stored at the National Archives, Accession Branch, Washington
- 13 National Records Center, 4205 Suitland Road, Suitland, MD 20746.
- 14 h. Disability benefits claims files of unnamed putative class members. Individual
- 15 veterans' VA disability benefits claims files generally are located at the regional
- 16 VA office that serves the area in which a veteran lives.
- 17 i. VA medical records of individual named plaintiffs and unnamed putative class
- 18 members. Individual veterans' VA medical records are maintained at the VA
- 19 health care facility(ies) from which a veteran obtained care and are largely
- 20 electronic, available to authorized VA officials.
- 21 j. GAO Report to Congressional Requesters, "Chemical and Biological Defense,
- 22 DoD and VA Need to Improve Efforts to Identify and Notify Individually
- 23 Potentially Exposed During Chemical and Biological Tests" (Feb. 2008), available
- 24 at <http://www.gao.gov/new.items/d08366.pdf>
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k. Historical Documentation of the [CIA's] Role in the Human Subject Test Program at Edgewood Arsenal Research Laboratories (Oct. 21, 1994). A copy is produced herewith as Bates-stamped VVA 023789-023965.

l. Letter of July 16, 2006 from General Michael Hayden, CIA, to Secretary James Nicholson, VA. A copy is produced herewith as Bates-stamped VVA 023966-023967.

m. Letter of February 6, 2007 from General Michael Hayden, CIA, to Secretary James Nicholson, VA. A copy is produced herewith as Bates-stamped VVA 023968.

n. Army Regulation 70-25 (1962), which was provided as an attachment to Defendants' motion to dismiss

o. Army Regulation 70-25 (1990), which was provided as an attachment to Defendants' motion to dismiss

3. Fed. R. Civ. P. 26(a)(1)(A)(iii): a computation of each category of damages claimed by the disclosing party

Defendants are not, at present, seeking damages in this case.

4. Fed. R. Civ. P. 26(a)(1)(A)(iv): any insurance agreement under which an insurance business may be liable

Defendants have no relevant insurance agreements.

Pursuant to Fed. R. Civ. P. 26(e), Defendants reserve the right to supplement or amend these disclosures.

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Dated: March 4, 2010



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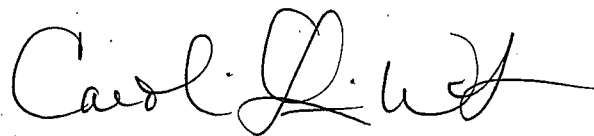
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CERTIFICATE OF SERVICE

I hereby certify that on March 4, 2010, I served a copy of the foregoing via electronic mail and Federal Express on counsel for Plaintiffs as follows:

CStadecker@mofocom

Mr. Gordon P. Erspamer, Esq.
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