

Exhibit K

Exhibit K

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15 Attorneys for Defendants

16
 17 UNITED STATES DISTRICT COURT
 18 NORTHERN DISTRICT OF CALIFORNIA
 OAKLAND DIVISION

| | | | |
|----|------------------------------|---|-----------------------------------|
| 19 | VIETNAM VETERANS OF AMERICA, |) | |
| 20 | <i>et al.</i> , |) | Civil Action No. C 09-0037 CW |
| | |) | |
| 21 | Plaintiffs, |) | DEFENDANTS' FIRST REQUEST |
| | |) | TO PLAINTIFFS FOR |
| 22 | v. |) | INTERROGATORIES AND SECOND |
| | |) | REQUEST TO PLAINTIFFS FOR |
| 23 | CENTRAL INTELLIGENCE AGENCY, |) | PRODUCTION OF DOCUMENTS |
| 24 | <i>et al.</i> , |) | |
| | |) | |
| 25 | Defendants. |) | |
| 26 | |) | |

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 Civil Action No. C 09-0037 CW
 DEFENDANTS' FIRST REQUEST TO PLAINTIFFS FOR INTERROGATORIES AND SECOND REQUEST TO
 PLAINTIFFS FOR PRODUCTION OF DOCUMENTS

1 Pursuant to Rules 33 and 34 of the Federal Rules of Civil Procedure, Defendants
2 propound these interrogatories and requests for the production of documents, to which Plaintiffs
3 shall respond separately and fully, within the time and in the manner prescribed by the Federal
4 Rules of Civil Procedure, and in accordance with the instructions and definitions set forth below.
5

6 **DEFINITIONS AND INSTRUCTIONS**

7 A. The following definitions apply in responding to these interrogatories and requests
8 for production of documents:

9 1. The term "Plaintiffs" refers collectively to Vietnam Veterans of America,
10 Swords to Plowshares; Veterans Rights Organization, Bruce Price, Franklin D. Rochelle, Larry
11 Meirow, Eric P. Muth, David C. Dufrane, Tim Michael Josephs, and William Blazinski, the
12 plaintiffs in Case No. CV 09-0037-CW. The term "you" and other similar terms also refer to
13 Plaintiffs.
14

15 2. The term "Defendants" refers collectively to the Central Intelligence
16 Agency; Leon Panetta, Director of the Central Intelligence Agency; the United States Department
17 of Defense; Dr. Robert M. Gates, Secretary of Defense; United States Department of the Army;
18 Pete Geren, United States Secretary of the Army; United States of America; Eric H. Holder, Jr.,
19 Attorney General of the United States; United States Department of Veterans Affairs; and Eric K.
20 Shinseski, United States Secretary of Veterans Affairs, as named in Plaintiffs' Third Amended
21 Complaint in this case.
22

23 5. The term "document" is used on the broadest sense permitted by the
24 Federal Rules of Civil Procedure and includes all written, typed, printed, recorded, graphic,
25 computer-generated, or other matter of any kind from which information can be derived, whether
26 produced, reproduced, or stored on paper, cards, tape, film, electronic facsimile, computer
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1 storage devices, or any other medium in your possession, custody, or control, or whose existence
2 is or was ever known to you, including but not limited to: correspondence, letters, notes
3 (whether of visits, meetings, telephone calls, or otherwise), memoranda (whether of visits,
4 meetings, telephone calls, or otherwise), appointment calendars, schedules, telegrams, telexes,
5 facsimiles, electronic mail, press releases, notices, brochures, pamphlets, guidelines, manuals,
6 instructions, summaries or abstracts, diaries, notebooks, minutes, computer printouts or
7 information stored in a computer-readable form, tests, reports, files, file jackets, analyses,
8 studies, testimony, speeches, worksheets, invoices, bills, written estimates, contracts, agreements
9 of any kind, purchase orders, change orders, proposed changes, schedules, plans, charts,
10 diagrams, drawings, graphs, designs, blueprints, tables, photographs, books, articles, or extracts
11 from any of the foregoing, and any other writings or documentary materials of any nature
12 whatsoever, whether or not divulged to other parties, together with any attachments thereto and
13 enclosures therewith. These requests encompass all forms and manifestations of electronically or
14 optically coded, stored, and/or retrievable information, including, but not limited to, digital
15 images and graphics, digital or analog audio tapes and files, and digital or analog video tapes and
16 files. The term "document" or "documents" also shall include each copy that is not identical to
17 the original or to any other produced copy, and any preliminary drafts of any documents or any
18 working papers related thereto, and specifically includes internal memoranda.

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23 6. The term "Third Amended Complaint" refers to the complaint filed by the
24 Plaintiffs in the above-captioned case on November 18, 2010.

25 7. The term "identify" shall have the following meanings:

26 a. When used to reference a person, the response shall provide the
27 name, address, phone number and email address of the person being identified.
28

1 b. When used to refer to a document, the response shall provide the
2 title or caption of the document, if any, the date of preparation of the document, the author(s), the
3 recipient(s), the Bates label(s), if any, and a brief description of the contents and a statement of
4 the document's present location.
5

6 c. When used to refer to an oral communication, the response shall
7 provide the identity of the individuals who were parties to the communication, the identity of all
8 individuals who were in the presence of individuals who were parties to the communication, the
9 date of the communication, and the substance of what was said by all individuals in connection
10 with the communication.
11

12 8. The term "concerning" means constituting, summarizing, memorializing,
13 referring to, regarding and/or relating to.

14 B. The following instructions apply in responding to these interrogatories and
15 document production requests:
16

17 1. Whenever in these interrogatories there is a request to "describe,"
18 "describe in detail," "explain in detail" or "identify" a medical or physical condition, act, event,
19 instance, transaction, fact, set of facts or basis of an answer, your response should include:

- 20 (a) a description of the underlying, supporting facts;
21 (b) a statement of the date, location and manner of each occurrence; and
22 (c) the identity of each person participating or engaging therein.
23

24 2. If you assert a claim of privilege in objecting to any interrogatory or
25 document request, or to any part thereof, and information is not provided on the basis of such
26 assertion, provide sufficient information, consistent with Fed. R. Civ. P. 26(b)(5), so that the
27 Court and the parties can determine the validity of the claim of privilege. Specifically:
28

1 (a) Identify with specificity the nature of the privilege being claimed; and

2 (b) Provide the following information in the objection, if known or
3 reasonably available, unless divulging such information would cause disclosure of the allegedly
4 privileged information:
5

6 (1) For oral communications:

7 a. the name of the person making the communication and
8 the names of persons present while the communication was made, and, where not apparent, the
9 relationship of the persons present to the person making the communication;
10

11 b. the date and place of the communication; and

12 c. the general subject matter of the communication.

13 (2) For documents:

14 a. the type of document;

15 b. the general subject matter of the document;

16 c. the date of the document; and

17 d. such other information as is sufficient to identify the
18 document, including the author, addressee, custodian, and any other recipient of the document,
19 and where not apparent, the relationship of the author, addressee, custodian, and any other
20 recipient to each other.
21

22 3. If you deny knowledge or information sufficient to answer an
23 interrogatory, respond to the fullest extent possible, specifying the extent of your knowledge and
24 your inability to answer the remainder, describe the efforts made to locate the information
25 requested, and set forth the name and addresses of any persons who are known by you to have
26 such knowledge. With respect to document requests, if you are able to provide some, but not all,
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1 of the documents or things requested, provide such items as you can, and specifically identify the
2 items that you cannot or will not produce.

3 4. No part of an interrogatory or document request should be left unanswered
4 merely because an objection is interposed to another part of the interrogatory or document
5 request. If an interrogatory cannot be answered fully, answer it to the extent possible and explain
6 why you cannot answer more fully. If you answer an interrogatory or respond to a request for
7 production subject to a general or specific objection, indicate whether information or documents
8 have been withheld on the basis of the objection.
9

10 5. If, in answering these interrogatories and document requests, you
11 encounter what you deem to be an ambiguity when construing any interrogatory or document
12 request, instruction, or definition, set forth the matter deemed ambiguous and the construction
13 used in answering.
14

15 6. These interrogatories and document requests seek all responsive
16 information in your possession, custody, or control, or in the possession, custody, or control of
17 your attorneys, agents, representatives, and any other person acting for you or on your behalf.
18

19 7. If any materials responsive to these requests are no longer in your
20 possession, custody, or control, identify their last known location, when they were last in your
21 possession, how they were disposed of, and the person who currently has possession, custody, or
22 control.
23

24 8. Unless otherwise stated, the relevant time period for these interrogatories
25 and requests for production of documents shall be the entire time period covered by the
26 allegations in your Third Amended Complaint.
27

1 9. Due to continuing delays and disruptions in the delivery of first-class mail
2 to the Department of Justice resulting from increased security measures, serve your responses
3 and responsive documents upon the Defendants' counsel by overnight delivery (20
4 Massachusetts Avenue, NW, Washington, D.C. 20001).

6 10. These interrogatories and requests for production shall be deemed
7 continuing in nature so as to require supplemental responses as required by Rule 26(e) of the
8 Federal Rules of Civil Procedure.

9 11. Pursuant to Fed. R. Civ. P. 33(1) and (2), Plaintiffs must answer each
10 interrogatory separately and in writing, and must provide a signature indicating that the answers
11 are made under oath.

13 **DEFENDANTS' FIRST REQUEST TO PLAINTIFFS FOR INTERROGATORIES**

14 **INTERROGATORY NO. 1:**

15 Identify all material facts upon which you base your claim that the Central Intelligence Agency
16 either directly or indirectly participated in the biological or chemical testing of volunteer service
17 members from 1950 through 1975.

18 **RESPONSE:**

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20 **INTERROGATORY NO. 2:**

21 Identify each and every document that you allege supports your contention that the Central
22 Intelligence Agency has an obligation "to notify and provide medical care to Plaintiffs and class
23 members." as alleged in paragraph 21.b of the Third Amended Complaint.

24 **RESPONSE:**

1 **INTERROGATORY NO. 3:**

2 Identify the specific "Vietnam-era veterans who were unwilling to share information relevant to
3 possible VA claims because of perceived secrecy obligations" with Swords to Plowshares, as
4 contended in paragraph 158 of Plaintiffs' Third Amended Complaint.

5 **RESPONSE:**

6
7 **INTERROGATORY NO. 4:**

8 Identify all material facts upon which you base your claim in paragraph 161 of the Third
9 Amended Complaint that "[t]he 'volunteers' were given no information about the chemicals used
10 on them in the experiments, no warning as to the potential health risks, and no or inadequate
11 follow-up health care to determine the effects (and resulting injuries) caused by the tests."

12 **RESPONSE:**

13 **INTERROGATORY NO. 5:**

14 Identify all material facts upon which you base your claim in paragraph 173 of the Third
15 Amended Complaint that "[d]efendants have failed and refused to supply all available
16 information to the VA concerning the exposures of 'volunteers' who have filed or whose
17 survivors have filed claims for service-connected death or disability compensation," including the
18 identification of the specific information that you contend Defendants have failed or refused to
19 supply to the VA.

20 **RESPONSE:**

21 **INTERROGATORY NO. 6:**

22 To the extent you contend that the Central Intelligence Agency and/or the Department of Justice
23 has an obligation to "notify Plaintiffs and other test participants and provide all available
24 documents and evidence concerning [the Plaintiffs'] exposures and known health effects," as
25 identified in paragraph 183 of the Third Amended Complaint, identify the factual and legal bases
26 for that claimed obligation.

27 **RESPONSE:**

1 **INTERROGATORY NO. 7:**

2 To the extent you contend that the Central Intelligence Agency administered secrecy oaths to
3 Plaintiffs, identify the factual basis for your contention, including the identification of the service
4 members to whom the Central Intelligence Agency allegedly administered such secrecy oaths and
5 the date(s) of such administration.

6 **RESPONSE:**

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8 **INTERROGATORY NO. 8:**

9 Identify the specific source(s) and/or base(s) for the claimed "duty to locate and warn all test
10 participants" alleged in paragraph 184.e of the Third Amended Complaint for:

- 11 a. The Central Intelligence Agency;
12 b. The Department of Defense;
13 c. The Department of Justice;
14 d. The Department of Veterans Affairs

15 **RESPONSE:**

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17 **INTERROGATORY NO. 9:**

18 Identify all material facts upon which you base your claim in paragraph 234 of the Third
19 Amended Complaint that Defendants have used "biased decision makers to decide [Plaintiffs']
20 eligibility for free, priority health care and for SDDC, including DIC."

21 **RESPONSE:**

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23 **INTERROGATORY NO. 10:**

24 Identify all material facts upon which you base your claim in paragraph 231 of the Third
25 Amended Complaint that the Department of Veterans Affairs' "represent[ion] that scientific
26 studies had been conducted showing that exposed veterans did not have any significant adverse
27 health effects and that 'available evidence and follow-up' studies had been conducted which
28 '[did] not support significant long-term physical harm among subjects exposed to acutely toxic

1 amounts of [these] agents other than mustard gas and Lewisite," is false.

2 **RESPONSE:**

3
4 **INTERROGATORY NO. 11:**

5 Identify all material facts upon which you base your claim in paragraph 231 of the Third
6 Amended Complaint that the Department of Veterans Affairs' "represent[ation] that the doses
7 and safety of the test substances had been pre-confirmed in animal tests and that doses were
8 increased only where there was "a low risk of serious side effects"" is false.

9
10 **INTERROGATORY NO. 12:**

11 Identify all material facts upon which you base your claim in paragraph 231 of the Third
12 Amended Complaint that the Department of Veterans Affairs' "represent[ation] that the
13 participants in the tests had received low doses" is false.

14 **RESPONSE:**

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16 **INTERROGATORY NO. 13:**

17 Identify the specific "known, material information about the adverse physical and mental health
18 effects of the chemicals and biological substances derived from earlier studies or incidents
19 involving humans, past studies of industrial accidents, animal studies, and other sources." that
20 you contend in paragraph 231 of the Third Amended Complaint the Department of Veterans
21 Affairs has "omitted" in its notification letters sent to veterans.

22 **RESPONSE:**

23 **INTERROGATORY NO. 14:**

24 Identify the specific "data" that you contend in paragraph 231 of the Third Amended Complaint
25 that the Department of Veterans Affairs has withheld from Plaintiffs "concerning the incidence of
26 diseases or conditions experienced by veterans that had been exposed to chemicals and drugs in
27 experiments and the known dangers of interactions between or among different chemicals or
28 substances administered to veterans."

1 **RESPONSE:**

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3 **INTERROGATORY NO. 15:**

4 Identify all material facts upon which you base your claim in paragraph 231 of the Third
5 Amended Complaint that the Department of Veterans Affairs' representation "that no specific
6 medical tests or evaluations were available for the types of exposures experienced by veterans" is
7 false.

8 **RESPONSE:**

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10 **INTERROGATORY NO. 16:**

11 Identify all material facts upon which you base your claim in paragraph 231 of the Third
12 Amended Complaint that the Department of Veterans Affairs has failed to "train adjudicators and
13 medical personnel to fairly evaluate and process SCDDC claims based upon exposure to
14 substances used in chemical and biological weapons or the program of mind-control
15 experimentation."

16 **RESPONSE:**

17 **INTERROGATORY NO. 17:**

18 Identify all material facts upon which you base your claim in paragraph 232 of the Third
19 Amended Complaint that the Department of Veterans Affairs' decision makers "respecting
20 eligibility for health care and SCDDC" are biased.

21 **RESPONSE:**

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23 **INTERROGATORY NO. 18:**

24 Identify with specificity each and every instance alleged in paragraph 20 of the Third Amended
25 Complaint where "Plaintiffs have repeatedly petitioned Congress . . . to honor the promises made
26 to them," including the identity of the individual(s) who petitioned Congress, who the petition(s)
27 was sent to, and the date(s) the petition(s) was sent.

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1 **RESPONSE:**

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3 **INTERROGATORY NO. 19:**

4 Identify by name each and every member of the Vietnam Veterans of America who is a "former
5 member of the armed services who participated in DEFENDANTS programs of human
6 experimentation into drugs, chemicals and other substances," as alleged in paragraph 26 of the
7 Third Amended Complaint, including the dates that these members participated in the programs
8 and the specific "drugs, chemicals and other substances" that you contend were tested on each of
9 these members.

10 **RESPONSE:**

11 **INTERROGATORY NO. 20:**

12 Identify all of the "resources" that Swords to Plowshares alleges it has "diverted and devoted" to
13 "provide additional serves to veterans harmed by DEFENDANTS' actions and failures to act." as
14 alleged in paragraph 28 of the Third Amended Complaint.

15 **RESPONSE:**

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17 **INTERROGATORY NO. 21:**

18 Identify all material facts upon which you base your claim in paragraph 162 of the Third
19 Amended Complaint that "Defendants withheld information from the 'volunteers' concerning
20 health problems that they had discovered from examinations and tests at Edgewood."

21 **RESPONSE:**

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23 **INTERROGATORY NO. 22:**

24 Identify each and every instance in which individual Plaintiffs or members of the organizational
25 Plaintiffs have submitted claims for benefits or treatment related to his or her participation in
26 chemical or biological testing by the Defendants to any state or federal government entity.

27 **RESPONSE:**

1 **INTERROGATORY NO. 23:**

2 Identify all documents referenced in paragraph 225 of the Third Amended Complaint that you
3 contend "reveal[s] that the Army, DOD, and CIA procured from DVA some of the substances,
4 including samples of drugs and chemicals, that the Army and CIA used to conduct experiments
5 on military personnel or veterans."

6 **RESPONSE:**

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8 **INTERROGATORY NO. 24:**

9 Identify the specific location(s) where you contend the Central Intelligence Agency conducted the
10 testing of chemical and/or biological agents on service members of the armed forces.

11 **RESPONSE:**

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13 **INTERROGATORY NO. 25:**

14 For each specific location that you contend the Central Intelligence Agency conducted the testing
15 of chemical and/or biological agents on service members of the armed forces, identify all material
16 facts you claim support your contention that the Central Intelligence Agency conducted tests at
17 each location.

18 **RESPONSE:**

19 **DEFENDANTS' SECOND REQUEST TO PLAINTIFFS FOR PRODUCTION OF**
20 **DOCUMENTS**

21 **REQUEST FOR PRODUCTION NO. 11:**

22 Produce all documents concerning the allegations in paragraphs 183-187 of Plaintiffs' Third
23 Amended Complaint, including, without limitation, those documents that you contend support
24 and/or undermine the allegations in those paragraphs.

25 **RESPONSE:**

1 **REQUEST FOR PRODUCTION NO. 12:**

2 Produce all documents concerning the allegations in paragraph 189a-e of Plaintiffs' Third
3 Amended Complaint, including, without limitation, those documents that you contend support
4 and/or undermine the allegations in that paragraph.

5 **RESPONSE:**

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7 **REQUEST FOR PRODUCTION NO. 13:**

8 Produce all documents concerning the allegations in paragraphs 192-221 of Plaintiffs' Third
9 Amended Complaint.

10 **RESPONSE:**

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12 **REQUEST FOR PRODUCTION NO. 14:**

13 Produce all documents, data, assumptions, bases, and any information communicated to, provided
14 to, given to, or otherwise relied on or considered by any person or entity who may or will offer
15 expert testimony on behalf of Plaintiffs in this action in connection with such testimony.

16 **RESPONSE:**

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18 **REQUEST FOR PRODUCTION NO. 15:**

19 Produce all documents in the custody, possession or control of Plaintiffs or any of Plaintiffs'
20 attorneys relating to or referring to any time sheets, diaries, billing records, invoices, engagement
21 letters, retention letters, contracts, or other evidence of work or activities of any person or entity
22 who may or will offer expert testimony on behalf of Plaintiffs in this action in connection with
such testimony.

23 **RESPONSE:**

24
25 **REQUEST FOR PRODUCTION NO. 16:**

26 Produce all documents considered or relied on by each of Plaintiffs' expert witnesses in forming
27 his or her opinions, including any and all electronic files, analyses, spreadsheets, and models.

1 **RESPONSE:**

2

3 **REQUEST FOR PRODUCTION NO. 17:**

4 Produce all Federal Rule of Civil Procedure 26(a)(2)(B) reports by each of Plaintiffs' expert
5 witnesses prepared in the last 10 years.

6 **RESPONSE:**

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8 **REQUEST FOR PRODUCTION NO. 18:**

9 Produce all publications written or co-written by each of Plaintiffs' expert witnesses in the last 10
10 years.

11 **RESPONSE:**

12

13 **REQUEST FOR PRODUCTION NO. 19:**

14 Produce all communications between each of Plaintiffs' expert witnesses and counsel for
15 Plaintiffs.

16 **RESPONSE:**

17

18 **REQUEST FOR PRODUCTION NO. 20:**

19 Produce all communications between each of Plaintiffs' expert witnesses and any individual
20 regarding, or relating to, the contents of the expert witness reports and the subject and substance
21 of any expert testimony that may or will be offered in this action.

22 **RESPONSE:**

23

24 **REQUEST FOR PRODUCTION NO. 21:**

25 Produce all documents that you claim support your contention that the Central Intelligence
26 Agency either directly or indirectly participated in the biological or chemical testing of volunteer
27 service members from 1950 through 1975.

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1 **RESPONSE:**

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3 **REQUEST FOR PRODUCTION NO. 22:**

4 Produce all documents that you claim support your contention that the Central Intelligence
5 Agency has an obligation "to provide medical care to Plaintiffs and class members," as alleged in
6 paragraph 21.b of the Third Amended Complaint.

7 **RESPONSE:**

8
9 **REQUEST FOR PRODUCTION NO. 23:**

10 Produce all documents that you claim support your contention in paragraph 161 of the Third
11 Amended Complaint that "[t]he 'volunteers' were given no information about the chemicals used
12 on them in the experiments, no warning as to the potential health risks, and no or inadequate
13 follow-up health care to determine the effects (and resulting injuries) caused by the tests."

14 **RESPONSE:**

15
16 **REQUEST FOR PRODUCTION NO. 24:**

17 Produce all documents that you claim support your contention in paragraph 173 of the Third
18 Amended Complaint that "Defendants have failed and refused to supply all available information
19 to the VA concerning the exposures of 'volunteers' who have filed or whose survivors have filed
20 claims for service-connected death or disability compensation," including the identification of the
specific information that you contend Defendants have failed or refused to supply to VA.

21 **RESPONSE:**

22
23 **REQUEST FOR PRODUCTION NO. 25:**

24 Produce all documents that you claim support your contention in paragraph 234 of the Third
25 Amended Complaint that defendants have used "biased decision makers to decide [plaintiffs']
26 eligibility for free, priority health care and for SDDC, including DIC."

27 **RESPONSE:**

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DEFENDANTS' FIRST REQUEST TO PLAINTIFFS FOR INTERROGATORIES AND SECOND REQUEST TO
PLAINTIFFS FOR PRODUCTION OF DOCUMENTS 16

1 **REQUEST FOR PRODUCTION NO. 26:**

2 Produce all documents that you claim support your contention in paragraph 231 of the Third
3 Amended Complaint that the Department of Veterans Affairs' "represent[ion] that scientific
4 studies had been conducted showing that exposed veterans did not have any significant adverse
5 health effects and that 'available evidence and follow-up' studies had been conducted which
6 '[did] not support significant long-term physical harm among subjects exposed to acutely toxic
amounts of [these] agents other than mustard gas and Lewisite" is false.

7 **RESPONSE:**

8
9 **REQUEST FOR PRODUCTION NO. 27:**

10 Produce all documents that you claim support your contention in paragraph 231 of the Third
11 Amended Complaint that the Department of Veterans Affairs' "represent[ation] that the doses
12 and safety of the test substances had been pre-confirmed in animal tests and that doses were
increased only where there was 'a low risk of serious side effects'" is false.

13 **RESPONSE:**

14
15 **REQUEST FOR PRODUCTION NO. 28:**

16 Produce all documents that you claim support your contention in paragraph 231 of the Third
17 Amended Complaint that the Department of Veterans Affairs' "represent[ation] that the
18 participants in the tests had received low doses" is false.

19 **RESPONSE:**

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21 **REQUEST FOR PRODUCTION NO. 29:**

22 Produce all "data" that you contend in paragraph 231 of the Third Amended Complaint that the
23 Department of Veterans Affairs has withheld from Plaintiffs "concerning the incidence of
24 diseases or conditions experienced by veterans that had been exposed to chemicals and drugs in
25 experiments and the known dangers of interactions between or among different chemicals or
substances administered to veterans."

26 **RESPONSE:**

1 **REQUEST FOR PRODUCTION NO. 30:**

2 Produce all documents that you claim support your contention in paragraph 231 of the Third
3 Amended Complaint that the Department of Veterans Affairs' representation "that no specific
4 medical tests or evaluations were available for the types of exposures experienced by veterans" is
5 false.

6 **RESPONSE:**

7
8 **REQUEST FOR PRODUCTION NO. 31:**

9 Produce all documents that you claim support your contention in paragraph 231 of the Third
10 Amended Complaint that the Department of Veterans Affairs has failed to "train adjudicators and
11 medical personnel to fairly evaluate and process SCDDC claims based upon exposure to
12 substances used in chemical and biological weapons or the program of mind-control
13 experimentation."

14 **RESPONSE:**

15 **REQUEST FOR PRODUCTION NO. 32:**

16 Produce all documents that you claim support your contention in paragraph 232 of the Third
17 Amended Complaint that the Department of Veterans Affairs' "decision makers respecting
18 eligibility for health care and SCDDC," are biased.

19 **RESPONSE:**

20
21 **REQUEST FOR PRODUCTION NO. 33:**

22 Produce all documents that you claim support your contention in paragraph 132 of the Third Amended
23 Complaint that "[m]any scientists who worked at Edgewood, such as Dr. Ray Treichler, or under
24 Edgewood contracts, were on the CIA's payroll."

25 **RESPONSE:**

1 REQUEST FOR PRODUCTION NO. 34:

2 Produce all documents that you contend support your responses to each of Defendants'
3 Interrogatories.

4
5 IAN GERSHENGORN
6 Deputy Assistant Attorney General

7 MELINDA HAAG
8 United States Attorney

9 VINCENT M. GARVEY
10 Deputy Branch Director

11 
12 JOSHUA E. GARDNER

13 KIMBERLY L. HERB

14 LILY SARA FAREL

15 BRIGHAM JOHN BOWEN

16 Trial Attorneys

17 U.S. Department of Justice

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24 Attorneys for Defendants

25 DATED: December 6, 2010

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DEFENDANTS' FIRST REQUEST TO PLAINTIFFS FOR INTERROGATORIES AND SECOND REQUEST TO
PLAINTIFFS FOR PRODUCTION OF DOCUMENTS 19

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PROOF OF SERVICE

I declare that I am over the age of eighteen and not a party to the above captioned action.

My business address is 20 Massachusetts Avenue, NW, P.O. Box 883, Washington, DC 20530.

I further declare that on December 6, 2010, I served a copy of:

**DEFENDANTS' FIRST REQUEST TO PLAINTIFFS FOR
INTERROGATORIES AND SECOND REQUEST TO PLAINTIFFS FOR
PRODUCTION OF DOCUMENTS**

on counsel for Plaintiffs, as addressed below:

Timothy W. Blakely
Morrison & Foerster LLP
425 Market Street
San Francisco, CA 94105

(x) By overnight delivery: I placed a true copy in a sealed envelope, with delivery provided, to the address and person stated above and, pursuant to the usual business practice of the Department of Justice for collection and processing of mail, deposited on the same day in a collection box regularly maintained by Federal Express.

(X) By electronic mail: I caused said document to be delivered to the above named individual by electronic mail.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on December 6, 2010 at Washington, D.C.


JOSHUA E. GARDNER