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

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

Case No. CV 09-0037-CW

**DECLARATION OF KIMBERLY L. HERB IN SUPPORT OF NOTICE OF FILING DECLARATION IN SUPPORT OF DEFENDANT CIA'S PRIVILEGE ASSERTIONS UNDER 50 U.S.C. § 403g.**

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24 I, Kimberly L. Herb, declare as follows:

- 25  
26 1. I am a Trial Attorney in the Federal Programs Branch, Civil Division of the United States  
 27 Department of Justice. I am assigned to represent Defendants in this case. I submit this  
 28 declaration in support of Defendants' Notice of Filing of Declaration in Support of

1 Defendant CIA's Privilege Assertions Under 50 U.S.C. § 403g. This declaration is based  
2 on my personal knowledge and based upon my review of documents provided to me in my  
3 official capacity as counsel in this litigation.

4 2. Attached hereto as Exhibit 1 is a true and accurate copy of redacted documents produced  
5 by Defendants to Plaintiffs pursuant to this litigation bates-stamped VVA 029264-029357.

6 3. Attached hereto as Exhibit 2 is a true and accurate copy of redacted documents produced  
7 by Defendants to Plaintiffs pursuant to this litigation bates-stamped VVA 029529-29604.

8 4. Attached hereto as Exhibit 3 is a true and accurate copy of *Neely v. CIA*, No. 79-3237, slip  
9 op. (D.D.C. Mar. 3, 1982).

10  
11 I declare under penalty of perjury that the foregoing is true and correct. Executed in  
12 Washington, D.C. on December 20, 2010.

13  
14 /s/ Kimberly L. Herb  
Kimberly L. Herb

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