

1 GORDON P. ERSPAMER (CA SBN 83364)  
Gerspamer@mofo.com  
2 TIMOTHY W. BLAKELY (CA SBN 242178)  
TBlakely@mofo.com  
3 STACEY M. SPRENKEL (CA SBN 241689)  
SSprenkel@mofo.com  
4 MORRISON & FOERSTER LLP  
425 Market Street  
5 San Francisco, California 94105-2482  
Telephone: 415.268.7000  
6 Facsimile: 415.268.7522

7 Attorneys for Plaintiffs  
Vietnam Veterans of America; Swords to Plowshares: Veterans  
8 Rights Organization; Bruce Price; Franklin D. Rochelle; Larry  
Meirow; Eric P. Muth; David C. Dufrane; Tim Michael Josephs  
9 and William Blazinski

10 UNITED STATES DISTRICT COURT

11 NORTHERN DISTRICT OF CALIFORNIA

12 VIETNAM VETERANS OF AMERICA, *et*  
13 *al.*,

14 Plaintiffs,

15 v.

16 CENTRAL INTELLIGENCE AGENCY, *et*  
*al.*,

17 Defendants.

Case No. CV 09-0037-CW

**PLAINTIFFS' NOTICE OF MOTION  
AND MOTION TO EXTEND  
DISCOVERY OF CIA AND  
MEMORANDUM OF POINTS AND  
AUTHORITIES IN SUPPORT THEREOF**

Hearing Date: September 22, 2011  
Time: 2:00 p.m.  
Courtroom: E, 15th Floor  
Judge: Hon. Jacqueline Scott Corley

Complaint filed January 7, 2009

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**NOTICE OF MOTION AND MOTION**

**TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

PLEASE TAKE NOTICE that on September 22, 2011, at 2:00 p.m., or as soon thereafter as the matter may be heard before U.S. Magistrate Judge Jacqueline Scott Corley, at the United States District Courthouse, San Francisco, California, Vietnam Veterans of America; Swords to Plowshares: Veterans Rights Organization; Bruce Price; Franklin D. Rochelle; Larry Meirow; Eric P. Muth; David C. Dufrane; Tim Michael Josephs and William Blazinski (“Plaintiffs”) will and hereby do move the Court for an Order to extend discovery of Defendant Central Intelligence Agency (“CIA”) until 30 days following the CIA’s compliance with all outstanding discovery obligations, including any discovery compelled by the Court’s resolution of Plaintiffs’ accompanying Motion to Compel.

This motion is based on this Notice of Motion, the Memorandum of Points and Authorities filed herewith, Plaintiffs’ accompanying Motion to Compel and the Declaration of Ben Patterson (“Patterson Decl.”) and attached exhibits filed therewith, all other pleadings and matters of record, and such further oral and documentary evidence as may be presented at or before the hearing on this motion.

**MEMORANDUM OF POINTS AND AUTHORITIES**

As explained in Plaintiffs’ accompanying Motion to Compel, Defendant CIA has refused to participate meaningfully in discovery, including by: (1) vehemently resisting Plaintiffs’ document requests throughout this litigation, and (2) refusing to designate witnesses to testify regarding Plaintiffs’ Rule 30(b)(6) topics, in contravention of the Court’s November 2010 Order overruling objections and ordering the CIA to designate witnesses to testify regarding many of Plaintiffs’ initial Rule 30(b)(6) Notice topics (*see* Docket No. 178 (“Nov. 2010 Order”) at 18-29). The CIA’s discovery recalcitrance and continuing failure to comply with this Court’s discovery orders require that fact discovery of the CIA be permitted to continue until 30 days following the CIA’s compliance with all outstanding discovery obligations, including any discovery compelled by the Court’s resolution of Plaintiffs’ accompanying Motion to Compel.

Dated: August 18, 2011

GORDON P. ERSPAMER  
TIMOTHY W. BLAKELY  
STACEY M. SPRENKEL

MORRISON & FOERSTER LLP

By: /s/ Gordon P. Erspamer  
Gordon P. Erspamer  
[Gerspamer@mofo.com]

Attorneys for Plaintiffs

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

VIETNAM VETERANS OF AMERICA, *et al.*,

Plaintiffs,

v.

CENTRAL INTELLIGENCE AGENCY, *et al.*,

Defendants.

Case No. CV 09-0037-CW

**[PROPOSED] ORDER GRANTING  
PLAINTIFFS' MOTION TO EXTEND  
DISCOVERY OF CIA**

Hearing Date: September 22, 2011  
Time: 2:00 p.m.  
Courtroom: E, 15<sup>th</sup> Floor  
Judge: Hon. Jacqueline Scott Corley

Complaint filed January 7, 2009

1 Plaintiffs' Motion to Extend Discovery of CIA came before this Court for hearing on  
2 September 22, 2011. Having read and considered the submissions of the parties, and finding  
3 good cause therefore, the Court hereby GRANTS the motion.

4 The Court ORDERS that Plaintiffs may continue to seek fact discovery from Defendant  
5 Central Intelligence Agency ("CIA") until 30 days following the CIA's compliance with all  
6 outstanding discovery obligations, including those compelled in response to Plaintiffs'  
7 August 18, 2011 Motion to Compel.  
8

9  
10 IT IS HEREBY ORDERED that Plaintiffs' Motion is GRANTED.

11 Dated: \_\_\_\_\_  
12

13  
14 By: \_\_\_\_\_  
15 UNITED STATES MAGISTRATE JUDGE  
16 HONORABLE JACQUELINE SCOTT CORLEY  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28