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

11 UNITED STATES DISTRICT COURT
 12 NORTHERN DISTRICT OF CALIFORNIA

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

Case No. CV 09-0037-CW

**DECLARATION OF BEN
 PATTERSON IN SUPPORT OF
 PLAINTIFFS' REPLY IN SUPPORT
 OF MOTION TO COMPEL RULE
 30(B)(6) DEPOSITIONS AND
 PRODUCTION OF DOCUMENTS**

Complaint filed January 7, 2009

1 I, Ben Patterson, 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 an associate 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 Tim Michael Josephs, and William Blazinski (“Plaintiffs”) in this action. I submit this
7 Declaration in Support of Plaintiffs’ Reply in Support of Motion to Compel Rule 30(b)(6)
8 Depositions and Production of Documents. I make this Declaration based on personal
9 knowledge. If called as a witness, I would testify to the facts set forth below.

10 2. Attached hereto as Exhibit A is a true and correct copy of the transcript of the
11 September 1, 2011 hearing before Judge Wilken regarding the CIA’s motion for judgment on the
12 pleadings and motion to amend the scheduling order.

13 3. Attached hereto as Exhibit B is a true and correct copy of a September 9, 2011
14 letter from Gordon Erspamer, counsel for Plaintiffs, to Joshua Gardner, counsel for Defendants.

15 4. Attached hereto as Exhibit C is a true and correct copy of a September 13, 2011
16 letter from Joshua Gardner, counsel for Defendants, to Gordon Erspamer, counsel for Plaintiffs.

17 5. On September 1, 2011, Plaintiffs received a production from Defendants with
18 Bates labels VET108_000001-000011 and VET109_000001-000438 in which Defendants
19 produced a contract between Battelle Memorial Institute (“Battelle”) and the Department of
20 Defense as well as some modifications and amendments to that contract.

21 6. Attached hereto as Exhibit D is a true and correct copy of excerpts from the
22 transcript of the July 7, 2011 deposition of Martha Hamed.

23 7. Attached hereto as Exhibit E is a true and correct copy of Defendant Department
24 of Veterans Affairs’ Response to Plaintiffs’ First Set of Requests for Admission to Defendant
25 Department of Veterans Affairs, served on July 15, 2011.

26 8. Attached hereto as Exhibit F is a true and correct copy of Defendants Department
27 of Defense and Department of the Army’s Objections and Responses to Plaintiffs’ Amended
28 Second Set of Interrogatories, served on August 15, 2011.

1 9. Attached hereto as Exhibit G is a true and correct copy of excerpts from the
2 transcript of the July 6-8, 2011 deposition of Dr. Michael Kilpatrick.

3 10. Attached hereto as Exhibit H is a true and correct copy of Defendants' Opposition
4 to Plaintiffs' Motion to Compel Production of Documents, filed as Docket No. 10 on
5 May 13, 2011, in the United States District Court for the Southern District of Ohio, case number
6 2:11-mc-00016-MHW-EPD.

7 11. Attached hereto as Exhibit I is a true and correct copy of Battelle's Motion to
8 Quash the subpoena duces tecum, filed as Docket No. 12 on May 17, 2011, in the United States
9 District Court for the Southern District of Ohio, case number 2:11-mc-00016-MHW-EPD.

10 12. Attached hereto as Exhibit J is a true and correct copy of Battelle's Motion to
11 Quash Deposition Subpoenas, or in the Alternative, to Modify the Subpoenas and Grant a
12 Protective Order, filed as Docket No. 20 on June 14, 2011, in the United States District Court for
13 the Southern District of Ohio, case number 2:11-mc-00016-MHW-EPD.

14 13. Attached hereto as Exhibit K is a true and correct copy of Plaintiffs' Notification
15 of Impasse in Negotiations Regarding Stipulation and accompanying exhibits, filed as Docket
16 Nos. 28, 28-1, and 28-2 on August 12, 2011, in the United States District Court for the Southern
17 District of Ohio, case number 2:11-mc-00016-MHW-EPD.

18
19 I declare under penalty of perjury under the laws of the United States of America that the
20 foregoing is true and correct and that this Declaration was executed in San Francisco, California
21 on this 15th day of September, 2011.

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23 /s/ Ben Patterson
24 Ben Patterson
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Attestation Pursuant to General Order 45, section X.B

I hereby attest that I have on file all holograph signatures for any signatures indicated by a “conformed” signature (/S/) within this efiled document.

/s/ GORDON ERSPAMER

Gordon Erspamer