

Exhibit Z-1

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 Vietnam Veterans of America; Swords to Plowshares;
 9 Veterans Rights Organization; Bruce Price; Franklin D.
 Rochelle; Larry Meiorow; Eric P. Muth; David C. Dufrane;
 10 and Wray C. Forrest

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

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

**PLAINTIFFS' FIRST SET OF
 INTERROGATORIES TO ALL
 DEFENDANTS**

21 PROPOUNDING PARTIES: Plaintiffs Vietnam Veterans of America; Swords to Plowshares;
 22 Veterans Rights Organization; Bruce Price; Franklin D. Rochelle;
 23 Larry Meiorow; Eric P. Muth; David C. Dufrane; and Wray C.
 Forrest

24 RESPONDING PARTIES: Defendants Central Intelligence Agency; Leon Panetta, Director of
 25 the Central Intelligence Agency; United States Department of
 26 Defense; Dr. Robert M. Gates, Secretary of Defense; United States
 Department of the Army; Pete Geren, United States Secretary of the
 27 Army; United States of America; and Eric H. Holder, Jr., Attorney
 General of the United States

28 SET NUMBER: One

1 Pursuant to Rule 34 of the Federal Rules of Civil Procedure, Plaintiffs Vietnam Veterans
2 of America, Swords to Plowshares: Veterans Rights Organization, Bruce Price, Franklin D.
3 Rochelle, Larry Meiorow, Eric P. Muth, David C. Dufrane and Wray C. Forrest (collectively,
4 “Plaintiffs”) request that each of the named Defendants (collectively, “Defendants”) separately
5 answer the following interrogatories based upon information within their possession, custody or
6 control, or the custody or control of their attorneys and/or accountants, their investigators and any
7 persons acting on their behalf, by February 19, 2010.

8 DEFINITIONS

9 Unless otherwise indicated, the following definitions shall apply:

10 1. “COMMUNICATION” or “COMMUNICATIONS” means, unless otherwise
11 specified, any of the following: (a) any written letter, memorandum, DOCUMENT or any other
12 writing; (b) any telephone call between two or more PERSONS, whether or not such call was by
13 chance or prearranged, formal or informal; and (c) any conversation or MEETING between two
14 or more PERSONS, whether or not such contact was by chance or prearranged, formal or
15 informal, including without limitation, conversations or MEETINGS occurring via telephone,
16 teleconference, video conference, electronic mail (e-mail) or instant electronic messenger.

17 2. “CONCERNING” means constituting, summarizing, memorializing, referring to,
18 regarding and/or relating to.

19 3. “DOCUMENT” or “DOCUMENTS” means any tangible thing upon which any
20 expression, COMMUNICATION or representation has been recorded by any means, including
21 but not limited to, handwriting, typewriting, printing, photostating, photographing, magnetic
22 impulse or mechanical or electronic recording and any non-identical copies (whether different
23 from the original because of notes made on such copies, because of indications that said copies
24 were sent to different individuals than were the originals or because of any other reason),
25 including but not limited to, working papers, preliminary, intermediate or final drafts,
26 correspondence, memoranda, charts, notes, records of any sort of MEETINGS, invoices, financial
27 statements, financial calculations, diaries, reports of telephone or other oral conversations, desk
28 calendars, appointment books, audio or video tape recordings, e-mail or electronic mail,

1 electronic folders, microfilm, microfiche, computer tape, computer disk, computer printout,
2 computer card and all other writings and recordings of every kind that are in YOUR actual or
3 constructive possession, custody or control.

4 4. "IDENTIFY" or "IDENTITY" means:

5 a. with respect to a PERSON, to state the PERSON's full name, current or
6 last known employer, that employer's address and telephone number, the PERSON's title and/or
7 position with that employer, and the PERSON's current or last known home address and
8 telephone number;

9 b. with respect to a DOCUMENT, to state the type of DOCUMENT (i.e.,
10 letter, memorandum, telephone note, computer floppy or hard disk, magnetic tape, etc.), the title
11 of the DOCUMENT (if any), the date it was created, the author, all intended recipients including
12 the addressee and any and all copyees, a brief description of the subject matter of the
13 DOCUMENT, the present and/or last known location of the DOCUMENT, and to IDENTIFY all
14 present or last known person in possession, custody or control of the DOCUMENT;

15 c. with respect to a COMMUNICATION to state the name and affiliation of
16 all PERSONS participating in, or present for, the COMMUNICATION, the date of the
17 COMMUNICATION, and whether it was conducted in person or by other means (such as
18 telephone, correspondence, e-mail), and whether it was recorded (e.g., stenographically or by
19 audio or videotape);

20 d. with respect to a MEETING to state the names and affiliations of all
21 PERSONS participating in, or present for, the MEETING, the date of the MEETING, and the
22 location of the MEETING and the purpose of the MEETING.

23 5. "MEETING" or "MEETINGS" means any coincidence of, or presence of, or
24 telephone, television, radio or other electronic communication between or among persons,
25 whether such was by chance or prearranged, informal or formal.

26 6. "PERSON" or "PERSONS" means, unless otherwise specified, any natural person,
27 firm, entity, corporation, partnership, proprietorship, association, joint venture, other form of
28 organization or arrangement and government and government agency of every nature and type.

1 7. “YOU” or “YOUR” means the Defendants in this action, and all of their past and
2 present offices, departments, organizations, administrations, boards, commissions, task forces,
3 management, and past and present employees and service members. These terms also include
4 any representatives or agents acting on YOUR behalf, including without limitation, attorneys,
5 investigators or consultants.

6 **SPECIAL DEFINITIONS**

7 Unless otherwise indicated, the following special definitions shall apply:

8 1. “CIA” means the Central Intelligence Agency of the United States, and all its past
9 and present offices, departments, organizations, administrations, boards, commissions, task
10 forces, management, and past and present employees and service members.

11 2. “DAIG” means the Department of the Army Inspector General, and all its past and
12 present offices, departments, organizations, administrations, boards, commissions, task forces,
13 management, and past and present employees.

14 3. “DEPARTMENT OF DEFENSE” or “DoD” means the United States Department of
15 Defense, and all its past and present offices, departments, organizations, administrations, boards,
16 commissions, task forces, management, and past and present employees and service members.

17 4. “DEPARTMENT OF THE ARMY” or “DoA” means the United States Department
18 of the Army, and all its past and present offices, departments, organizations, administrations,
19 boards, commissions, task forces, management, and past and present employees and service
20 members.

21 5. “EDGEWOOD ARSENAL” means the southern sector of the military installation
22 located northeast of Baltimore, Maryland, in the Northern Chesapeake Bay along a neck of land
23 between the Gunpowder and Bush rivers.

24 6. “GAO” means the United States Government Accountability Office and all its
25 predecessors, offices, departments, organizations, administrations, boards, commissions, task
26 forces, management, and past and present employees.

1 7. "IOM" means the Institute of Medicine, a branch of the National Academies, and all
2 its predecessors, offices, departments, organizations, administrations, boards, commissions, task
3 forces, management, and past and present employees.

4 8. "NRC" means the National Research Council, a branch of the National Academies,
5 and all its predecessors, offices, departments, organizations, administrations, boards,
6 commissions, task forces, management, and past and present employees.

7 9. "NAS" means the National Academy of Sciences, a branch of the National
8 Academies, and all its predecessors, offices, departments, organizations, administrations, boards,
9 commissions, task forces, management, and past and present employees.

10 10. "VA" or "DVA" means the United States Department of Veterans Affairs, and all
11 its predecessors (including the Veterans Administration) and its past and present offices,
12 departments, organizations, administrations, boards, consultants, commissions, task forces,
13 management, and past and present employees.

14 11. "TEST PROGRAMS" means each of the projects identified in the First Amended
15 Complaint, including without limitation, the Human Test Series identified in Paragraph 140 of the
16 First Amended Complaint, including Projects "BLUEBIRD," "ARTICHOKE," "MKDELTA,"
17 "MKULTRA," "MKNAOMI," "MKSEARCH," "MKCHICKWIT," "MKOFTEN," and any
18 other program of experimentation involving human testing of any substance, including but not
19 limited to, "MATERIAL TESTING PROGRAM EA 1729." TEST PROGRAMS shall include
20 any and all sub-projects related to any program of human testing conducted by YOU.

21 a. "BLUEBIRD" means, including without limitation, the official code name given
22 in or around 1950 to the secret test program conducted by one or more of YOU
23 CONCERNING special interrogation methods, including the use of drugs,
24 hypnosis and isolation upon human test subjects.

25 b. "ARTICHOKE" means, including without limitation, the official code name given
26 in or around 1951 to the secret test program conducted by one or more of YOU
27 CONCERNING the study of special interrogation techniques and the use of
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- 1 chemicals, among other methods, to produce amnesia and other vulnerable states
2 in human test subjects.
- 3 c. "MKDELTA" means, including without limitation, the official code name given in
4 or around 1952 to the secret test program conducted by one or more of YOU
5 CONCERNING the use of biochemicals in clandestine military operations.
- 6 d. "MKULTRA" means, including without limitation, the official code name given in
7 or around 1953 to the secret test program conducted by one or more of YOU
8 CONCERNING the surreptitious use of many types of drugs, as well as other
9 methods, to manipulate individual mental states and to alter brain function, and
10 that continued at least through the late 1960s.
- 11 e. "MKNAOMI" means, including without limitation, the official code name given
12 to the secret test program conducted by one or more of YOU CONCERNING the
13 stockpiling of severely incapacitating and lethal materials and the development of
14 gadgetry for the dissemination of these materials.
- 15 f. "MKSEARCH" means, including without limitation, the official code name given
16 in or around 1964 to the secret test program conducted by one or more of YOU
17 CONCERNING the development of methods to manipulate human behavior
18 through the use of drugs and other chemical substances.
- 19 g. "MKCHICKWIT" or "CHICKWIT" means, including without limitation, the
20 official code name given to the secret test program conducted by one or more of
21 YOU CONCERNING the identification of new drugs in Europe and Asia and
22 collection of information and samples CONCERNING same.
- 23 h. "MKOFTEN" means, including without limitation, the official code name given to
24 the secret test program conducted by one or more of YOU CONCERNING the
25 behavioral and toxicological effects of certain drugs on animals and humans.
- 26 i. "MATERIAL TESTING PROGRAM EA 1729" means, including without
27 limitation, the official code name given to the secret test program by one or more
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1 of YOU CONCERNING the testing of lysergic acid diethylamide (“LSD”) as an
2 intelligence-gathering technique.

3 12. “TEST SUBJECT” or “TEST SUBJECTS” means, unless otherwise specified, any
4 person who, while an active duty member of the U.S. military or a member of the reserves of any
5 branch of the U.S. Military, participated in any experiment that was part of, or related to, the
6 TEST PROGRAMS. For purposes of this definition, TEST SUBJECTS shall be deemed to have
7 participated in an experiment even if the TEST SUBJECT received only a placebo or if the TEST
8 SUBJECT declined to participate or withdrew “consent” after being initially selected for
9 participation. “TEST SUBJECTS” shall not, unless otherwise specified, include civilians who
10 participated in the TEST PROGRAMS.

11 CONSTRUCTION

12 The following rules of construction shall also apply:

- 13 1. “All” or “each” shall be construed as “all and each.”
- 14 2. “Any” should be understood to include and encompass “all;” “all” should be
15 understood to include and encompass “any.”
- 16 3. “And” or “or” shall be construed either disjunctively or conjunctively as necessary to
17 bring within the scope of the discovery request all responses that might otherwise be construed to
18 be outside of its scope.
- 19 4. The use of the singular form of any word shall include the plural and vice versa.

20 INSTRUCTIONS

21 The following instructions shall apply:

- 22 1. If YOU contend that any of the following interrogatories is objectionable in whole or
23 in part, YOU shall state with particularity each objection, the basis for it and the categories of
24 information and documents to which the objection applies, and YOU shall respond to the
25 interrogatory insofar as it is not deemed objectionable.
- 26 2. If YOU find the meaning of any term in these interrogatories unclear, YOU shall
27 assume a reasonable meaning, state what the assumed meaning is, and respond to the
28 interrogatory according to the assumed meaning.

1 3. The following interrogatories shall be deemed to be continuing. In accordance with
2 Federal Rules of Civil Procedure, Plaintiffs request that if, after answering the interrogatories,
3 YOU acquire additional knowledge or information responsive to the interrogatories, that YOU
4 shall produce such documents or provide Plaintiffs with such additional knowledge or
5 information.

6 4. Unless otherwise specified, each interrogatory calls for all documents created,
7 received, or dated between January 1, 1941 and the date of YOUR response to the interrogatory.
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1 **INTERROGATORIES**

2 **PREAMBLE TO ALL INTERROGATORIES:** Please provide separate answers for
3 each Defendant to the following Interrogatories:

4 **INTERROGATORY NO. 1:**

5 For each TEST PROGRAM and any sub-projects, please IDENTIFY all PERSONS who
6 directed, designed or carried out experiments involving TEST SUBJECTS.

7 **INTERROGATORY NO. 2:**

8 Please IDENTIFY all known TEST SUBJECTS, including the dates of participation.

9 **INTERROGATORY NO. 3:**

10 For each TEST SUBJECT, IDENTIFY the TEST PROGRAM project and/or sub-project
11 in which the TEST SUBJECT was involved.

12 **INTERROGATORY NO. 4:**

13 Please IDENTIFY all DOCUMENTS CONCERNING any and all health effects reported,
14 claimed, or that occurred for each TEST SUBJECT.

15 **INTERROGATORY NO. 5:**

16 For each TEST SUBJECT, IDENTIFY whether you believe the TEST SUBJECT to be
17 deceased, listing the date and cause of death for each.

18 **INTERROGATORY NO. 6:**

19 Please IDENTIFY all COMMUNICATIONS between YOU and any TEST SUBJECT or
20 other former service members whom YOU believe or understand to have participated in the
21 TEST PROGRAMS.

22 **INTERROGATORY NO. 7:**

23 Please IDENTIFY all DOCUMENTS that reflect the results of experiments for the TEST
24 PROGRAMS that used TEST SUBJECTS.

25 **INTERROGATORY NO. 8:**

26 Please IDENTIFY and describe all COMMUNICATIONS between YOU and the
27 legislative branches (including Senators, members of Congress and their staffs) CONCERNING
28 the TEST PROGRAMS.

1 **INTERROGATORY NO.9:**

2 Please IDENTIFY all PERSONS who were employed by, affiliated with, or received
3 funding from the CIA and who managed, supervised, or participated in the TEST PROGRAMS
4 and/or any sub-projects.

5 **INTERROGATORY NO. 10:**

6 Please IDENTIFY all PERSONS who worked as consultants or in any other capacity not
7 involving employment CONCERNING the TEST PROGRAMS and/or any sub-projects.

8 **INTERROGATORY NO. 11:**

9 Please IDENTIFY all repositories of DOCUMENTS CONCERNING the TEST
10 PROGRAMS.

11 **INTERROGATORY NO. 12:**

12 Please IDENTIFY all reported, observed and/or claimed violations of the Wilson
13 Memorandum, attached as Exhibit C to the First Amended Complaint, and All MEETINGS
14 CONCERNING the same.

15 **INTERROGATORY NO. 13:**

16 For each TEST SUBJECT, please IDENTIFY whether that TEST SUBJECT received any
17 notice or warning from YOU CONCERNING the TEST SUBJECT'S participation in the TEST
18 PROGRAMS or CONCERNING any substance to which the TEST SUBJECT was exposed, after
19 the TEST SUBJECT'S participation in the TEST PROGRAMS had concluded, and IDENTIFY
20 the notice or warning and the date on which it was sent.

21 **INTERROGATORY NO. 14:**

22 For each database YOU have used to record or preserve information CONCERNING
23 TEST SUBJECTS or the TEST PROGRAMS, please IDENTIFY each, including the purpose,
24 period of time it was active, and software and hardware requirements.

25 **INTERROGATORY NO. 15:**

26 Please IDENTIFY the full text of all DOCUMENTS CONCERNING the TEST
27 PROGRAMS withheld from prior releases in response to FOIA requests or requests from
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1 Congress, the DAIG, or any other investigatory agency or department, and the full text of any
2 DOCUMENTS which were provided in response to any such request only in redacted form.

3 **INTERROGATORY NO. 16:**

4 Please IDENTIFY all DOCUMENTS and COMMUNICATIONS CONCERNING any
5 release from secrecy oaths of any TEST SUBJECT.

6 **INTERROGATORY NO. 17:**

7 Please describe the substance and timing of each step leading up to adoption of the Wilson
8 Memorandum, attached as Exhibit C to the First Amended Complaint.

9 **INTERROGATORY NO. 18:**

10 For each project and sub-project in the TEST PROGRAMS, please indicate whether or
11 not the CIA was involved in any way, and, if so, describe that involvement in complete detail, and
12 IDENTIFY all PERSONS who were involved.

13 **INTERROGATORY NO. 19:**

14 For each experiment in the TEST PROGRAMS, please IDENTIFY each PERSON who
15 approved each experiment and IDENTIFY all approval DOCUMENTS.

16 **INTERROGATORY NO. 20:**

17 Please IDENTIFY all PERSONS who died as a result of their participation in the TEST
18 PROGRAMS, and for each such PERSON identify the TEST PROGRAM project or sub-project
19 in which that PERSON participated, and the substances or chemicals to which that PERSON was
20 exposed as part of the TEST PROGRAMS.

21 **INTERROGATORY NO. 21:**

22 Please IDENTIFY all PERSONS YOU know or believe to have participated in each
23 experiment in the TEST PROGRAMS, including each sub-project.

24 **INTERROGATORY NO. 22:**

25 Please IDENTIFY all TEST SUBJECTS who, after signing a consent to participate in the
26 TEST PROGRAMS, revoked consent or refused to continue participation, and summarize the
27 outcome of each case.

1 **INTERROGATORY NO. 23:**

2 Please provide the text of each form of consent used in the conduct of the TEST
3 PROGRAMS, indicating the period of time it was operative.

4 **INTERROGATORY NO. 24:**

5 Please describe in complete detail all efforts YOU made to contact or locate TEST
6 SUBJECTS once their participation in the TEST PROGRAMS had concluded.

7 **INTERROGATORY NO. 25:**

8 Please indicate the annual funding provided by the CIA for each of the TEST
9 PROGRAMS between 1943 and the present.

10 **INTERROGATORY NO. 26:**

11 Please IDENTIFY and describe all COMMUNICATIONS between or among
12 DEFENDANTS and/or between DEFENDANTS and the DVA CONCERNING this action,
13 including without limitation, the facts alleged in the Complaint or the First Amended Complaint
14 and the discovery served upon the DVA.

15 **INTERROGATORY NO. 27:**

16 Please IDENTIFY and describe all COMMUNICATIONS between or amongst
17 DEFENDANTS, or any of them, and the DVA, and IDENTIFY all DOCUMENTS,
18 CONCERNING the results of tests or experiments involving any chemical or biological
19 substance conducted by the DVA using veterans as subjects between 1975 and the present.

20 **INTERROGATORY NO. 28:**

21 Have YOU COMMUNICATED with the DVA regarding the design, crafting, conduct or
22 results of any tests of any chemical or biological substance that were conducted on or behalf of
23 the DVA which used veterans as subjects during the period 1975 to present? If so, please
24 describe each such test, indicating the nature of the test, the substance(s) tested, the identity of all
25 persons involved in any fashion, and all results, and IDENTIFY all DOCUMENTS
26 CONCERNING the same.

1 **INTERROGATORY NO. 29:**

2 To the extent YOU contend that any substance YOU administered to a TEST SUBJECT
3 as part of the TEST PROGRAMS was for purposes of treatment of a medical disease or condition
4 or contributed to the health of TEST SUBJECT, please identify each such substance and explain
5 why it was intended for treatment purposes or to improve the health of the TEST SUBJECT, and
6 IDENTIFY all DOCUMENTS that support YOUR contention.

7 **INTERROGATORY NO. 30:**

8 To the extent YOU contend that any substance YOU administered to any TEST
9 SUBJECT as part of the TEST PROGRAMS was innocuous or had no short or long-term health
10 effects upon the TEST SUBJECT, please identify each such substance and explain why it was
11 innocuous or had no short or long-term health effects upon the TEST SUBJECT, and IDENTIFY
12 all DOCUMENTS that support your contention.

13 **INTERROGATORY NO. 31:**

14 Please IDENTIFY all synergistic or other short or long-term health effects based upon the
15 administration of more than one substance or a group of substances to one or more PERSON who
16 participated in the TEST PROGRAMS, and IDENTIFY each grouping of substances that
17 produced adverse health effects, and IDENTIFY all DOCUMENTS CONCERNING synergistic
18 or combined effects of test substances.

19 **INTERROGATORY NO. 32:**

20 Please IDENTIFY each substance administered to any PERSON as part of the TEST
21 PROGRAMS that caused or contributed to or was asserted to cause or contribute to any type of
22 mental disease or condition, including, without limitation, depression or post-traumatic stress
23 disorder, shell shock, combat fatigue, and IDENTIFY all DOCUMENTS CONCERNING the
24 incidence and nature of mental health care problems experienced by any such PERSON exposed
25 to such substances as part of the TEST PROGRAMS.

26 **INTERROGATORY NO. 33:**

27 Please IDENTIFY and describe all field trials of chemical or biological substances on a
28 population or geographic area, and IDENTIFY all DOCUMENTS CONCERNING each such

1 field test and each PERSON knowledgeable about the planning for, conduct of, and results of
2 each field test.

3 **INTERROGATORY NO. 34:**

4 Please identify all PERSONS who contributed in any fashion or way to the design,
5 planning, operation, or results of the TEST PROGRAMS who formerly was a citizen of or lived
6 in Germany or Japan, including without limitation all individuals processed through “Operation
7 Paperclip,” as described in Paragraph 7 of the First Amended Complaint, and describe each such
8 contribution.

9 **INTERROGATORY NO. 35:**

10 Please IDENTIFY each incident in which the provisions of the Official Directives, as that
11 term is defined in Paragraph 123 of the First Amended Complaint, were violated, and IDENTIFY
12 the PERSON(S) involved and DOCUMENTS CONCERNING the same.

13 **INTERROGATORY NO. 36:**

14 Please IDENTIFY all DOCUMENTS CONCERNING the TEST PROGRAMS, which
15 YOU have withheld from public release or redacted and/or withheld from production to Plaintiffs
16 in this action based upon any of the following, and state the specific basis for withholding or
17 redacting each DOCUMENT: a security classification or secrecy rationale, fear of adverse public
18 reactions, and absolute or qualified privilege, any executive order, or any exemption from
19 production contained in the Freedom of Information Act or any other statute or regulation.

20 **INTERROGATORY NO. 37:**

21 Please IDENTIFY all military personnel who participated in any mind control
22 experiments or studies, indicating their last known address and phone number.

23 **INTERROGATORY NO. 38:**

24 Please IDENTIFY any information that YOU learned, through a published scientific study
25 or other means, CONCERNING: (a) the actual or potential physical or mental health effects of
26 any chemical or biological substance administered to TEST SUBJECTS as part of the TEST
27 PROGRAMS; or (b) YOUR conduct of or the TEST SUBJECTS’ participation in the TEST
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1 PROGRAMS; that may affect the well-being of the TEST SUBJECTS, including the date on
2 which YOU learned such information.

3 **INTERROGATORY NO. 39:**

4 Please IDENTIFY each and every statute, regulation, directive, policy, or instruction
5 governing YOUR conduct and execution of the TEST PROGRAMS, including, without
6 limitation, each statute, regulation, directive, or instruction CONCERNING the provision of
7 information to TEST SUBJECTS CONCERNING any risks associated with their participation in
8 the TEST PROGRAMS, the procurement or evaluation of the informed consent of any PERSON
9 participating in the TEST PROGRAMS, and the provision of medical care and evaluations for
10 any PERSON participating in the TEST PROGRAMS.

11 **INTERROGATORY NO. 40:**

12 Please IDENTIFY any medical follow up that YOU have conducted CONCERNING any
13 TEST SUBJECT for any reason, including without limitation, to ensure that any long-range
14 problems are detected and treated.

15 **INTERROGATORY NO. 41:**

16 Please IDENTIFY and describe all efforts being undertaken by YOU to notify TEST
17 SUBJECTS about information CONCERNING their participation in the TEST PROGRAMS or
18 to warn TEST SUBJECTS about any information concerning their participation in the TEST
19 PROGRAMS that may affect the well-being of the TEST SUBJECTS, including YOUR efforts
20 completed to date and the anticipated date of completion of any such effort to notify or warn
21 TEST SUBJECTS.

22 **INTERROGATORY NO. 42:**

23 Please IDENTIFY all DOCUMENTS and COMMUNICATIONS CONCERNING the
24 legal memorandum attached as Exhibit A to the First Amended Complaint, or any other
25 DOCUMENT or COMMUNICATION concerning YOUR duty to notify and warn any PERSON
26 who participated in the TEST PROGRAMS.

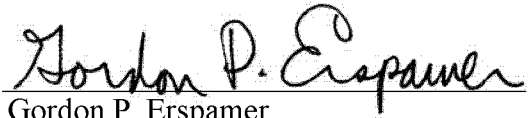
1 **INTERROGATORY NO. 43:**

2 Please IDENTIFY all experiments with TEST SUBJECTS which involved the insertion of
3 any type of implant or foreign body or device (“Implant”) into the body of the TEST SUBJECT,
4 including the name of each TEST SUBJECT, the type and description of each Implant, the project
5 name(s), location(s), result(s), and the identity of medical or scientific personnel performing or
6 observing each such experiment.

7
8 Dated: November 16, 2009

GORDON P. ERSPAMER
TIMOTHY W. BLAKELY
ADRIANO HRVATIN
STACEY M. SPRENKEL
MORRISON & FOERSTER LLP

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

Attorneys for Plaintiffs

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PROOF OF SERVICE

I declare that I am employed with the law firm of Morrison & Foerster LLP, whose address is 425 Market Street, San Francisco, California 94105. I am not a party to the within cause, and I am over the age of eighteen years.

I further declare that on November 16, 2009, I served a copy of:

PLAINTIFFS' FIRST SET OF INTERROGATORIES TO ALL DEFENDANTS

- • **BY U.S. MAIL [Code Civ. Proc. Sec. 1013(a)]** by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, addressed as follows, for collection and mailing at Morrison & Foerster LLP, 425 Market Street, San Francisco, California 94105-2482 in accordance with Morrison & Foerster LLP's ordinary business practices.

I am readily familiar with Morrison & Foerster LLP's practice for collection and processing of correspondence for mailing with the United States Postal Service, and know that in the ordinary course of Morrison & Foerster LLP's business practice the document(s) described above will be deposited with the United States Postal Service on the same date that it (they) is (are) placed at Morrison & Foerster LLP with postage thereon fully prepaid for collection and mailing.

Caroline Lewis Wolverton, Esq.
United States Department of Justice
Federal Programs Branch, Civil Division
P.O. Box 883
Washington, District of Columbia 20040

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

Executed at San Francisco, California, this 16th day of November 2009.

Kathy Beaudoin
(typed)

Kathy Beaudoin
(signature)