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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

VIETNAM VETERANS OF AMERICA, *et al.*,  
Plaintiffs,  
v.  
CENTRAL INTELLIGENCE AGENCY, *et al.*,  
Defendants.

Case No. CV 09-0037-CW

**DECLARATION OF JOSHUA E.  
GARDNER IN SUPPORT OF  
DEFENDANTS' MOTION FOR STAY  
PENDING APPEAL**

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I, Joshua E. Gardner, declare as follows:

- 1. I am an Assistant Director in the Federal Programs Branch, Civil Division of the United States Department of Justice. I represent Defendants in this case. I submit this declaration in support of Defendants’ Motion For a Stay Pending Plaintiffs’ Appeal and Defendants’ Cross-Appeal. This declaration is based on my personal knowledge and on information provided to me in my official capacity.
- 2. The parties met and conferred on this issue via telephone, and Plaintiffs have indicated that they oppose the requested stay pending Plaintiffs’ appeal and Defendants’ cross-appeal.

I declare under penalty of perjury that the foregoing is true and correct. Executed in Washington, D.C. on January 22, 2014.

          /s/ Joshua E. Gardner            
Joshua E. Gardner