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

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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 GORDON P.
 ERSPAMER IN SUPPORT OF
 PLAINTIFFS' MOTION FOR LEAVE
 TO FILE THIRD AMENDED
 COMPLAINT**

Complaint filed January 7, 2009

Hearing Date: July 15, 2010
 Time: 2:00 P.M.
 Courtroom: 2, 4th Floor
 Judge: Hon. Claudia Wilken

1 I, Gordon P. Erspamer, 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 a senior counsel 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 and Wray C. Forrest (“Plaintiffs”) in this action. I submit this Declaration in Support of
7 Plaintiffs’ Motion for Leave to File a Third Amended Complaint. I make this Declaration based
8 on personal knowledge. If called as a witness, I would testify to the facts set forth below.

9 2. On information and belief, William Blazinski was an experimental test subject at
10 Edgewood Arsenal.

11 3. On information and belief, Tim Michael Josephs was an experimental test subject
12 at Edgewood Arsenal.

13 4. Plaintiffs’ counsel have identified information in discovery indicating that the
14 Department of Veterans Affairs (“DVA”) provided chemicals and drugs for experiments to be
15 conducted at Edgewood Arsenal and other sites, that the DVA has assumed responsibility for
16 notifying participants in the experiments, that the scope of the notices being sent is inadequate
17 and too narrow, and has circulated what Plaintiffs believe is false or misleading information to
18 veterans, and that the DVA was involved in experimental testing of many of the same biological
19 and chemical substances tested upon military personnel at Edgewood.

20 5. On information and belief, Plaintiff Wray Forrest is in poor health and not
21 expected to live beyond a few months or weeks.

22 6. During a May 19, 2010 telephone conference, Defendants’ counsel asked
23 Plaintiffs’ counsel whether Plaintiffs intended to amend their complaint in the near future.
24 Counsel for Plaintiffs responded that Plaintiffs would be seeking to amend the complaint shortly
25 to add two or three new plaintiffs, and possibly to add additional parties.

26 7. Plaintiffs’ counsel gave Defendants’ counsel the proposed amendment sections
27 regarding Mr. Josephs and Mr. Blazinski on June 2, 2010, and asked Defendants’ counsel to
28 stipulate, even in part, to Plaintiffs’ amendments.

1 I declare under penalty of perjury under the laws of the United States of America that the
2 foregoing is true and correct and that this Declaration was executed in San Francisco, California
3 on this 7th day of June, 2010.

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5 /s/ GORDON P. ERSPAMER
6 Gordon P. Erspamer
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Beaudoin, Kathy E.

From: ECF-CAND@cand.uscourts.gov

Sent: Monday, June 07, 2010 3:59 PM

To: efilings@cand.uscourts.gov

Subject: Activity in Case 4:09-cv-00037-CW Vietnam Veterans of America et al v. Central Intelligence Agency et al Motion for Leave to File

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Northern District of California
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The following transaction was received from by Erspamer, Gordon entered on 6/7/2010 3:58 PM and filed on 6/7/2010

Case Name: Vietnam Veterans of America et al v. Central Intelligence Agency et al

Case Number: [4:09-cv-00037-CW](#)

Filer: Swords to Plowshares
Veterans Rights Organization
Vietnam Veterans of America
Bruce Price
Franklin D. Rochelle
Larry Meirow
Eric P. Muth
David C. Dufrane
Wray C. Forrest

6/7/2010

Document Number: [89](#)

Docket Text:

MOTION for Leave to File *Declaration of Gordon P. Erspamer in Support of Plaintiffs' Motion for Leave to File Third Amended Complaint* filed by David C. Dufrane, Wray C. Forrest, Larry Meirow, Eric P. Muth, Bruce Price, Franklin D. Rochelle, Swords to Plowshares, Veterans Rights Organization, Vietnam Veterans of America. Motion Hearing set for 7/15/2010 02:00 PM in Courtroom 2, 4th Floor, Oakland. (Erspamer, Gordon) (Filed on 6/7/2010)

4:09-cv-00037-CW Notice has been electronically mailed to:

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