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

14 UNITED STATES DISTRICT COURT
 15 NORTHERN DISTRICT OF CALIFORNIA
 16 OAKLAND DIVISION

18 VIETNAM VETERANS OF AMERICA, *et al.*,
 19 Plaintiffs,
 20 v.
 21 CENTRAL INTELLIGENCE AGENCY, *et al.*,
 22 Defendants.

Case No. CV 09-0037-CW

**DECLARATION OF DANIEL J.
 VECCHIO IN SUPPORT OF
 PLAINTIFFS' MOTION FOR
 SANCTIONS**

Complaint filed January 7, 2009

1 I, Daniel J. Vecchio, 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 and Wray C. Forrest (“Plaintiffs”) in this action. I submit this Declaration in Support of
7 Plaintiffs’ Motion for Sanctions. I make this Declaration based on personal knowledge. If called
8 as a witness, I would testify to the facts set forth below.

9 2. On information and belief, after Plaintiffs broached the issue of a Protective Order
10 respecting certain discovery, Counsel for the parties exchanged multiple drafts and markups of a
11 proposed protective order, beginning on or about July 13, 2009.

12 3. On information and belief, Counsel for the parties met and conferred via telephone
13 to negotiate concerning a proposed protective order on July 31, 2009.

14 4. Counsel for the parties again met and conferred via telephone regarding a
15 proposed protective order and other outstanding discovery issues on May 19, 2010, and May 26,
16 2010. I participated in those discussions.

17 5. Counsel for the parties met and conferred in person for approximately two hours
18 immediately following the hearing on Plaintiffs’ Motion to Compel Responses to Interrogatories
19 on June 30, 2010. At that time, counsel for the parties discussed several outstanding discovery
20 disputes, including the proposed protective order, Plaintiffs’ Requests for Production, and
21 30(b)(6) deposition notices.

22 6. Attached as Exhibit A is a true and correct copy of Defendants’ Response to
23 Plaintiffs’ First Request for Production of Documents, served on March 4, 2010. On information
24 and belief, Defendants have produced fewer than 16,500 pages of documents to date in response
25 to Plaintiffs’ First Request for Production of Documents, approximately 40% of which are
26 military service and Veterans Affairs records for the six individual Plaintiffs.

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1 7. Plaintiffs served Notices to All Defendants of Depositions Pursuant to Fed. R. Civ.
2 P. 30(b)(6) on November 16, 2009. Attached as Exhibit B is a true and correct copy of
3 Defendants' Response to Plaintiffs' Notice to All Defendants Pursuant to Fed. R. Civ. P. 30(b)(6).

4 8. Attached as Exhibit C is a true and correct copy of Plaintiffs' Supplemental Notice
5 of Deposition Pursuant to Fed. R. Civ. P. 30(b)(6) to the Department of the Army, served on
6 June 16, 2010.

7 9. Attached as Exhibit D is a true and correct copy of Plaintiffs' Supplemental Notice
8 of Deposition Pursuant to Fed. R. Civ. P. 30(b)(6) to the Department of Defense, served on June
9 16, 2010.

10 10. Attached as Exhibit E is a true and correct copy of Plaintiffs' Supplemental Notice
11 of Deposition Pursuant to Fed. R. Civ. P. 30(b)(6) to the Central Intelligence Agency, served on
12 June 16, 2010.

13 11. Attached as Exhibit F is a true and correct copy of a July 15, 2010 letter from
14 Caroline Lewis-Wolverton, counsel for Defendants, to Kori Kelley, counsel for Plaintiffs.

15 12. Attached as Exhibit G is a true and correct copy of a July 12, 2010 letter from
16 Caroline Lewis-Wolverton, counsel for Defendants, to Gordon Erspamer and myself.

17 13. On information and belief, Dr. James Ketchum produced in excess of 29,000 pages
18 of documents in response to Plaintiffs' subpoena.

19 14. Plaintiffs served their Second Set of Requests for Production on May 10, 2010.
20 Plaintiffs served their Third Set of Requests for Production on July 1, 2010. To date, Defendants
21 have not served responses to these Requests for Production.

22 15. Plaintiffs seek sanctions equal to their attorneys fees and costs incurred in the
23 preparation of their Motion for Protective Order and to Overrule Objections, Motion to Overrule
24 Objections and Compel Production of Documents, Motion to Compel 30(b)(6) Deposition
25 Witnesses, and Motion for Sanctions, to be established in a future declaration or affidavit as
26 required by the Court.

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 25th day of August, 2010.

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5 /s/ Daniel J. Vecchio
Daniel J. Vecchio

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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 P. ERSPAMER

Gordon P. Erspamer