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August 4, 2010

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Via E-Mail

Lily Farel, Esq.
United States Department of Justice
Civil Division, Federal Programs Branch
P.O. Box 883
Washington, D.C. 20044

Re: *Vietnam Veterans of America, et al. v. Central Intelligence Agency, et al.*
No. CV 09 0037-CW (N.D. Cal.)

Dear Ms. Farel:

I write in response to your letter of July 30, 2010, to acknowledge your brief comments regarding the protective order following our in-person meet and confer discussion of June 30, 2010 and our subsequent edited version of the protective order. As you know, this issue has been ongoing for over a year.

I would like to clarify a point you raised in your letter which conflates two separate issues. Regarding Defendants' concerns about Plaintiffs contacting test subjects, as I stated at the meet and confer session, Plaintiffs are unable to agree to any condition that they refrain from contacting these individuals – the test subjects are percipient witnesses who may have relevant information that is critical to the case, and are putative class members. Separately, we agreed that Plaintiffs were amenable to restricting access by the organizational plaintiffs to the protected information by limiting it to a select number of representatives who would sign the agreement to be bound by the protective order. The draft protective order that Plaintiffs sent on July 26 was already updated to reflect this understanding.

As we have indicated in previous communications, Plaintiffs believe that our meet and confer discussions concerning this issue have concluded. Accordingly, as you are no doubt aware, Plaintiffs have filed a joint statement of discovery dispute with the Court concerning this matter.

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Lily Farel, Esq.
August 4, 2010
Page Two

Sincerely,

/s/

Daniel J. Vecchio