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11 Franklin D. Rochelle; Larry Meirow; Eric P. Muth;
David C. Dufrane; and Wray C. Forrest
12

13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION

15 VIETNAM VETERANS OF AMERICA, a Non-
16 Profit Corporation; BRUCE PRICE; FRANKLIN
D. ROCHELLE; LARRY MEIROW; ERIC P.
17 MUTH; DAVID C. DUFRANE; and WRAY C.
FORREST, Individuals,

18 Plaintiffs,

19 v.

20 CENTRAL INTELLIGENCE AGENCY;
21 GENERAL MICHAEL V. HAYDEN, USAF,
Director of the Central Intelligence Agency;
22 UNITED STATES DEPARTMENT OF
DEFENSE; DR. ROBERT M. GATES, Secretary
23 of Defense; UNITED STATES DEPARTMENT
OF THE ARMY; PETE GEREN, United States
24 Secretary of the Army; UNITED STATES OF
AMERICA; and MICHAEL B. MUKASEY,
25 Attorney General of the United States,

26 Defendants.

Case No. CV 09-0037-CW

**PLAINTIFFS' THIRD SET OF
REQUESTS FOR PRODUCTION OF
DOCUMENTS TO ALL DEFENDANTS**

Complaint Filed January 7, 2009

27
28
PLS.' THIRD REQUEST FOR PRODUCTION
Case No. CV 09-0037-CW
sf-2849681

1 PROPOUNDING PARTIES: Plaintiffs Vietnam Veterans of America; Bruce Price; Franklin D.
2 Rochelle; Larry Meirow; Eric P. Muth; David C. Dufrane; and
Wray C. Forrest

3 RESPONDING PARTIES: Defendants Central Intelligence Agency; General Michael V.
4 Hayden, USAF, Director of the Central Intelligence Agency;
5 United States Department of Defense; Dr. Robert M. Gates,
6 Secretary of Defense; United States Department of the Army;
Pete Geren, United States Secretary of the Army; United States
of America; and Michael B. Mukasey, Attorney General of the
United States

7 SET NUMBER: Three

8 Pursuant to Rule 34 of the Federal Rules of Civil Procedure, Plaintiffs Vietnam
9 Veterans of America, Bruce Price, Franklin D. Rochelle, Larry Meirow, Eric P. Muth, David
10 C. Dufrane and Wray C. Forrest (collectively, "Plaintiffs") request that each of the named
11 defendants (collectively, "Defendants") separately produce for inspection and copying the
12 documents and things set forth below that are in their possession, custody or control, or in the
13 possession, custody or control of their attorneys and/or accountants, their investigators and any
14 persons acting on their behalf, at the offices of Morrison & Foerster LLP, 425 Market Street,
15 San Francisco, California 94105, or another place as may be mutually agreed upon, within
16 thirty (30) days of the service of this request.

17 **DEFINITIONS**

18 Unless otherwise indicated, the following definitions shall apply:

19 1. "COMMUNICATION" or "COMMUNICATIONS" means, unless otherwise
20 specified, any of the following: (a) any written letter, memorandum, DOCUMENT or any
21 other writing; (b) any telephone call between two or more PERSONS, whether or not such call
22 was by chance or prearranged, formal or informal; and (c) any conversation or MEETING
23 between two or more PERSONS, whether or not such contact was by chance or prearranged,
24 formal or informal, including without limitation, conversations or MEETINGS occurring via
25 telephone, teleconference, video conference, electronic mail (e-mail) or instant electronic
26 messenger.

27 2. "DOCUMENT" or "DOCUMENTS" means any tangible thing upon which any
28 expression, COMMUNICATION or representation has been recorded by any means, including

1 but not limited to, handwriting, typewriting, printing, photostatting, photographing, magnetic
2 impulse or mechanical or electronic recording and any non-identical copies (whether different
3 from the original because of notes made on such copies, because of indications that said copies
4 were sent to different individuals than were the originals or because of any other reason),
5 including but not limited to, working papers, preliminary, intermediate or final drafts,
6 correspondence, memoranda, charts, notes, records of any sort of MEETINGS, invoices,
7 financial statements, financial calculations, diaries, reports of telephone or other oral
8 conversations, desk calendars, appointment books, audio or video tape recordings, e-mail or
9 electronic mail, electronic folders, microfilm, microfiche, computer tape, computer disk,
10 computer printout, computer card and all other writings and recordings of every kind that are in
11 YOUR actual or constructive possession, custody or control.

12 3. "IDENTIFY" or "IDENTITY" means:

13 a. with respect to a PERSON, to state the PERSON's full name, current or
14 last known employer, that employer's address and telephone number, the PERSON's title
15 and/or position with that employer, and the PERSON's current or last known home address and
16 telephone number;

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

23 c. with respect to a COMMUNICATION to state the name and affiliation
24 of all PERSONS participating in, or present for, the COMMUNICATION, the date of the
25 COMMUNICATION, and whether it was conducted in person or by other means (such as
26 telephone, correspondence, e-mail), and whether it was recorded (e.g., stenographically or by
27 audio or videotape);
28

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

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

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

10 6. "YOU" or "YOUR" means the Defendants in this action, and all of their offices,
11 departments, organizations, administrations, boards, commissions, task forces, management,
12 and past and present employees and service members. These terms also include any
13 representatives or agents acting on YOUR behalf, including without limitation, attorneys,
14 investigators or consultants.

15 7. "CONCERNING" means constituting, summarizing, memorializing, referring to,
16 regarding and/or relating to.

17 SPECIAL DEFINITIONS

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

19 1. "CIA" means the Central Intelligence Agency of the United States, and all its
20 offices, departments, organizations, administrations, boards, commissions, task forces,
21 management, and past and present employees and service members.

22 2. "DEPARTMENT OF DEFENSE" or "DoD" means the United States Department
23 of Defense, and all its offices, departments, organizations, administrations, boards,
24 commissions, task forces, management, and past and present employees and service members.

25 3. "DEPARTMENT OF THE ARMY" or "DoA" means the United States
26 Department of the Army, and all its offices, departments, organizations, administrations,
27 boards, commissions, task forces, management, and past and present employees and service
28 members.

1 4. "GAO" means the United States Government Accountability Office and all its
2 predecessors, offices, departments, organizations, administrations, boards, commissions, task
3 forces, management, and past and present employees.

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

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

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

13 8. "VA" or "DVA" means the United States Department of Veterans Affairs, and all
14 its offices, departments, organizations, administrations, boards, consultants, commissions, task
15 forces, management, and past and present employees.

16 9. "DAIG" means the Department of the Army Inspector General, and all its offices,
17 departments, organizations, administrations, boards, commissions, task forces, management,
18 and past and present employees.

19 10. "TEST PROGRAMS" means each of the projects identified in the Complaint,
20 including without limitation, Projects "BLUEBIRD," "ARTICHOKE," "MKDELTA,"
21 "MKULTRA," "MKNAOMI," "MKSEARCH," "MKCHICKWIT," "MKOFTEN," and any
22 other program of experimentation involving human testing of any substance, including but not
23 limited to, "MATERIAL TESTING PROGRAM EA 1729."

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

1 12. "ARTICHOKE" means, including without limitation, the official code name
2 given in or around 1951 to the secret test program conducted by one or more of YOU
3 CONCERNING the study of special interrogation techniques and the use of chemicals, among
4 other methods, to produce amnesia and other vulnerable states in human test subjects.

5 13. "MKDELTA" means, including without limitation, the official code name given
6 in or around 1952 to the secret test program conducted by one or more of YOU
7 CONCERNING the use of biochemicals in clandestine military operations.

8 14. "MKULTRA" means, including without limitation, the official code name given
9 in or around 1953 to the secret test program conducted by one or more of YOU
10 CONCERNING the surreptitious use of many types of drugs, as well as other methods, to
11 manipulate individual mental states and to alter brain function, and that continued at least
12 through the late 1960s.

13 15. "MKNAOMI" means, including without limitation, the official code name given
14 to the secret test program conducted by one or more of YOU CONCERNING the stockpiling
15 of severely incapacitating and lethal materials and the development of gadgetry for the
16 dissemination of these materials.

17 16. "MKSEARCH" means, including without limitation, the official code name
18 given in or around 1964 to the secret test program conducted by one or more of YOU
19 CONCERNING the development of methods to manipulate human behavior through the use of
20 drugs and other chemical substances.

21 17. "MKCHICKWIT" or "CHICKWIT" means, including without limitation, the
22 official code name given to the secret test program conducted by one or more of YOU
23 CONCERNING the identification of new drugs in Europe and Asia and collection of
24 information and samples CONCERNING same.

25 18. "MKOFTEN" means, including without limitation, the official code name given
26 to the secret test program conducted by one or more of YOU CONCERNING the behavioral
27 and toxicological effects of certain drugs on animals and humans.

1 19. "MATERIAL TESTING PROGRAM EA 1729" means, including without
2 limitation, the official code name given to the secret test program by one or more of YOU
3 CONCERNING the testing of lysergic acid diethylamide ("LSD") as an intelligence-gathering
4 technique.

5 20. "EDGEWOOD ARSENAL" means the southern sector of the military installation
6 located northeast of Baltimore, Maryland, in the Northern Chesapeake Bay along a neck of
7 land between the Gunpowder and Bush rivers.

8 CONSTRUCTION

9 The following rules of construction shall also apply:

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

17 INSTRUCTIONS

18 The following instructions shall apply:

- 19 1. In the event YOU produce original documents for inspection and copying, such
20 production shall be as the documents are kept in the usual course of business.
- 21 2. In lieu of production for inspection and copying, YOU may produce the requested
22 documents by mail or delivery of true copies thereof to Morrison & Forester LLP at the
23 aforesaid address, and make the originals available for inspection at a mutually agreed-upon
24 location, during normal business hours and upon reasonable notice. The documents copied
25 shall be copied as they are kept in the normal course of business, and any titles, labels or other
26 descriptions on any box, folder, binder, file cabinet or other container shall be copied as well.
- 27 3. Each document is to be produced, along with all non-identical copies, drafts,
28 alterations and translations thereof, in its entirety, without abbreviations or redactions.

1 4. If any part of a document is responsive to any of the following requests, the entire
2 document shall be produced.

3 5. If YOU withhold any of the requested documents from production under a claim
4 of privilege or other protection, it must serve within thirty (30) days of the service of this
5 request a list of such withheld documents ("privilege log") indicating, for each document
6 withheld, the following information if known or available to YOU: (i) the date composed or
7 date appearing on the document; (ii) the author; (iii) the number of pages; (iv) the number of
8 copies made; (v) the identity of all persons or entities who saw the original document or saw or
9 received a copy of such document, and the job titles of each such person; (vi) the subject
10 matter; and (vii) the basis for claim of privilege or other immunity asserted. The privilege log
11 should be sufficiently detailed to permit Plaintiffs to determine whether to make a motion with
12 respect thereto.

13 6. If YOU are aware of the existence of any requested items that they are unable to
14 produce, specify in writing and serve upon the undersigned a list indicating the identity of such
15 documents within thirty (30) days of the service of this request. Such identification should, for
16 each such document, set forth whether the document: (i) has been destroyed; (ii) has been lost,
17 misplaced or stolen; or (iii) has never been, or is no longer, in the possession, custody or
18 control of the responding party, in which case the name and address of any person or entity
19 known or believed by YOU to have possession, custody or control of that document or
20 category of documents should be identified. In each such instance, each of YOU is to identify
21 the document by author, addressee, date, subject matter, number of pages, attachments or
22 appendices, all persons to whom it was distributed, shown or explained, date and manner of
23 destruction or other disposition, the reason for destruction or other disposition, and persons
24 destroying or disposing of the document.

25 7. If YOU contend that any of the following requests is objectionable in whole or in
26 part, YOU shall state with particularity each objection, the basis for it and the categories of
27 information and documents to which the objection applies, and YOU shall respond to the
28 request insofar as it is not deemed objectionable.

1 8. If YOU find the meaning of any term in these requests unclear, YOU shall assume
2 a reasonable meaning, state what the assumed meaning is, and respond to the request according
3 to the assumed meaning.

4 9. The following requests shall be deemed to be continuing. In accordance with Rule
5 26(e) of the Federal Rules of Civil Procedure, Plaintiffs request that if, after answering the
6 requests, YOU acquire additional knowledge or information regarding documents or things
7 responsive to the requests, YOU shall produce such documents or provide Plaintiffs with such
8 additional knowledge or information.

9 10. Unless otherwise specified, each request calls for all documents created, received,
10 or dated between January 1, 1940 and the date of YOUR response to the request.

11 **REQUESTS FOR PRODUCTION**

12 **PREAMBLE TO ALL REQUESTS:** All DOCUMENTS CONCERNING any one or
13 more of the following:

14 **REQUEST FOR PRODUCTION NO. 153:**

15 An agreement between the CIA and the U.S. Department of Justice, arranged by CIA
16 General Counsel Lawrence Houston and Attorney General William P. Rogers in February
17 1954, whereby the violation of "criminal statutes" by CIA would not result in Department of
18 Justice prosecutions if highly classified and complex covert operations were threatened with
19 exposure.

20 **REQUEST FOR PRODUCTION NO. 154:**

21 The U.S. Army's involvement in Project Bluebird between 1949 and 1951, including,
22 but not limited to Project Bluebird programs in which former American prisoners of war in
23 Army hospitals were subjected to various behavioral modification programs, including the use
24 of experimental drugs and special interrogation methods.

25 **REQUEST FOR PRODUCTION NO. 155:**

26 Collaboration between officials within CIA's Security Office, scientists from Fort
27 Detrick's Special Operations Division, and scientists from other Army installations, including
28

1 Edgewood Arsenal, on experiments with LSD, mescaline, peyote, and synthesized substance
2 known as "Smasher" in the summer of 1951.

3 **REQUEST FOR PRODUCTION NO. 156:**

4 A Project Artichoke program using American military men serving court martial
5 sentences in federal prisons as human test subjects in experiments conducted at a reformatory
6 in Bordertown, New Jersey, St. Elizabeth's Hospital, Washington, D.C., a Veteran
7 Administration hospital in Detroit Michigan, and a Federal Narcotics Farm in Lexington
8 Kentucky, among other places, including, but not limited to a September 1953 memorandum
9 from Project Artichoke director Morse Allen to Paul Gaynor, head of the CIA's Security
10 Research Staff, suggesting that the government induce participation in the experiments by
11 promising that recommendations would be made to the Adjutant General's office to have
12 prisoners' sentences appropriately reduced if they co-operated in experimentation.

13 **REQUEST FOR PRODUCTION NO. 157:**

14 A certain Report of the Ad Hoc Study Group on Psychochemicals, published on or
15 around November 19, 1955, which made recommendations regarding the study of
16 psychochemicals and is sometimes referred to as the "Wolff Committee Report" or the "Wolff
17 Report."

18 **REQUEST FOR PRODUCTION NO. 158:**

19 A memorandum from the chairman of the U.S. Army Research and Development
20 Coordinating Committee on Biological and Chemical Warfare, dated on or around June 3,
21 1955, which requested the Technical Advisory Panel on Biological and Chemical Warfare to
22 study the use of psychochemical agents and preceded the creation of the Ad Hoc Study Group
23 on Psychochemicals ("Wolff Committee").

24 **REQUEST FOR PRODUCTION NO. 159:**

25 Attempts or efforts by Defendants to enforce the secrecy oaths described in Paragraphs
26 156-160 of the Second Amended Complaint.

1 **REQUEST FOR PRODUCTION NO. 160:**

2 The 1949 report by Dr. L. Wilson Greene, Technical Director of the Chemical and
3 Radiological Laboratories at the Army Chemical Center, entitled "Psychochemical Warfare, A
4 New Concept of War," and all MEETINGS and COMMUNICATIONS CONCERNING the
5 same.

6 **REQUEST FOR PRODUCTION NO. 161:**

7 The DOD study of the potential importance of certain psychochemical materials,
8 including LSD, which was conducted by the Ad Hoc Study Group of Psychochemicals under
9 the Technical Advisory Panel on CW and BW of the Offices of the Assistant Secretary of
10 Defense for Research and Development, which was ongoing as of 1955, the CIA's financial
11 support of this study, and all MEETINGS and COMMUNICATIONS CONCERNING the
12 same.

13 **REQUEST FOR PRODUCTION NO. 162:**

14 MEETINGS and COMMUNICATIONS between or among any of the following
15 persons and the CIA CONCERNING psychochemicals:

16 Dr. L. Wilson Greene, Technical Director, Chemical Corps, Chemical and Radiological
17 Laboratories, Army Chemical Center;

18 Dr. David Bruce Dill, Scientific Director, Chemical Corps, Medical Laboratory, Army
19 Chemical Center;

20 Dr. Armedeo Marrazzi, a scientist at the Medical Laboratory, Army Chemical Center;
21 Capt. Clifford P. Phoebus, Chief, Biological Sciences Division, Office of Naval
22 Research;

23 Brig. Gen. Don D. Flickinger, ARDC, U.S.A.F.; and

24 Lt. Col. Alexander Batlin, Office of the Assistant Secretary of Defense (Research and
25 Development).

26 **REQUEST FOR PRODUCTION NO. 163:**

27 Study prepared by Dr. Sidney Gottlieb, Deputy Chief of TSD, scientific advisor to the
28 Deputy Director/Plans, dated April 21, 1960, entitled "Scientific and Technical Problems in

1 Covert Action Operations,” including Appendix B entitled “The Applicability of Special
2 Chemicals and Biologicals to Clandestine Operations,” and all MEETINGS and
3 COMMUNICATIONS CONCERNING the same.

4 **REQUEST FOR PRODUCTION NO. 164:**

5 The Report of the Ad Hoc Advisory Committee on Chemical Corps Mission and
6 Structure as referred to on pages 6-7 of the Summary of Major Events and Problems, United
7 States Army Chemical Corps (November 1956) and all MEETINGS and
8 COMMUNICATIONS CONCERNING the same.

9 **REQUEST FOR PRODUCTION NO. 165:**

10 The permission granted for the use of human volunteers in the evaluation of biological
11 agents, the plan drawn up at Fort Detrick for the assessment of BW agents and vaccines and
12 plan approval by the Surgeon General, and the work carried out under contract in a medical
13 school, as described on page 6 of the document entitled Summary of Major Events and
14 Problems (Reports Control Symbol CSHIS-6), Historical Office of the Chief Chemical Officer
15 for Fiscal Year 1954 (September 1954), and all MEETINGS and COMMUNICATIONS
16 CONCERNING the same.

17 **REQUEST FOR PRODUCTION NO. 166:**

18 The report issued by the so-called Miller Committee identified on page 6 of the
19 DOCUMENT entitled Summary of Major Events and Problems, United States Chemical Corps
20 for Fiscal Year 1955, Historical Office of the Chief Chemical Officer (December 1955) and all
21 MEETINGS and COMMUNICATIONS CONCERNING the same.

22 **REQUEST FOR PRODUCTION NO. 167:**

23 Agendas, presentations, materials, reports or other DOCUMENTS CONCERNING the
24 preparation for and conduct of 11th CBR Tripartite Conference in 1956, as described on pages
25 85 and 86 of the Summary of Major Events and Problems, United States Army Chemical
26 Corps, Fiscal Year 1956, Chemical Corps Historical Office (Nov. 1956), and other conferences
27 held between 1945 and 1977, and all MEETINGS and COMMUNICATIONS CONCERNING
28 the same.

1 **REQUEST FOR PRODUCTION NO. 168:**

2 The agendas, transcripts, correspondence, reports, recommendations, presentations and
3 COMMUNICATIONS and MEETINGS CONCERNING the Wolff Committee as referred to
4 on page 129 of the Summary of Major Events and Problems, United States Army Chemical
5 Corps, Fiscal Year 1956, Chemical Corps Historical Office (Nov. 1956).

6 **REQUEST FOR PRODUCTION NO. 169:**

7 The CmlC Consolidated R&D Annual Report, Project 4-08-03-016 and other
8 DOCUMENTS referred to in footnote 170, page 98 of the Summary of Major Events and
9 Problems, United States Army Chemical Corps, Fiscal Year 1956, Chemical Corps Historical
10 Office (Nov. 1956), and all MEETINGS and COMMUNICATIONS CONCERNING the same.

11 **REQUEST FOR PRODUCTION NO. 170:**

12 The research programs and studies of biological weapons described on page 104 of the
13 Summary of Major Events and Problems, United States Army Chemical Corps, Fiscal Year
14 1956, Chemical Corps Historical Office (Nov. 1956), including but not limited to, experiments
15 and the results of experiments, conducted at or under the direction of the special medical unit
16 set up by the Surgeon General at Fort Detrick to operate the hospital facility and all
17 MEETINGS and COMMUNICATIONS CONCERNING the same.

18 **REQUEST FOR PRODUCTION NO. 171:**

19 Reports, contracts, notes, subcontracts and other DOCUMENTS CONCERNING the
20 Kharasch program of collaboration between university professors and the Chemical Corps, as
21 described on pages 101 through 103 of the Summary of Major Events and Problems, United
22 States Army Chemical Corps, Fiscal Year 1956, Chemical Corps Historical Office (Nov.
23 1956), and all MEETINGS and COMMUNICATIONS CONCERNING the same.

24 **REQUEST FOR PRODUCTION NO. 172:**

25 The report and DOCUMENTS referenced in the report of the Ad Hoc Committee or
26 Reeves Committee and its approval by the Defense Science Board, as referenced on pages 88
27 and 93 of the Summary of Major Events and Problems, United States Army Chemical Corp,
28

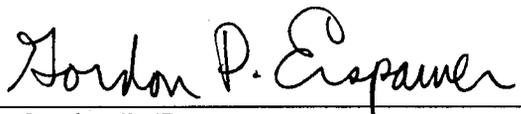
1 Fiscal Year 1958, U.S. Army Chemical Corps Field Office (MARCH 1959) and all
2 MEETINGS and COMMUNICATIONS CONCERNING the same.

3 **REQUEST FOR PRODUCTION NO. 173:**

4 Agendas, presentations, materials, reports or other DOCUMENTS CONCERNING the
5 Quadripartite Standing Working Group on Chemical Warfare, including but not limited to the
6 Proceedings of the 1st Meeting of the Quadripartite Standing Working Group on Chemical
7 Warfare at Edgewood Arsenal in 1965, and all MEETINGS and COMMUNICATIONS
8 CONCERNING the same.

9
10 Dated: July 1, 2010

GORDON P. ERSPAMER
TIMOTHY W. BLAKELY
ADRIANO HRVATIN
STACEY M. SPRENKEL
DANIEL J. VECCHIO
DIANA LUO
MORRISON & FOERSTER LLP

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15 By: 
16 Gordon P. Erspamer

17 Attorneys for Plaintiffs
18 Vietnam Veterans of America; Bruce Price;
19 Franklin D. Rochelle; Larry Meirow; Eric P.
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CERTIFICATE OF SERVICE BY MAIL
(Fed. R. Civ. Proc. rule 5(b))

I declare that I am employed with the law firm of Morrison & Foerster LLP, whose address is 425 Market Street, San Francisco, California 94105-2482; I am not a party to the within cause; I am over the age of eighteen years and I am readily familiar with Morrison & Foerster'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's business practice the document described below will be deposited with the United States Postal Service on the same date that it is placed at Morrison & Foerster with postage thereon fully prepaid for collection and mailing.

I further declare that on the date hereof I served a copy of:

PLAINTIFFS' THIRD SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS TO ALL DEFENDANTS

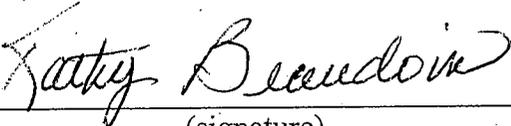
on the following by placing a true copy thereof enclosed in a sealed envelope addressed as follows for collection and mailing at Morrison & Foerster LLP, 425 Market Street, San Francisco, California 94105-2482, in accordance with Morrison & Foerster's ordinary business practices:

Caroline Lewis Wolverton
Trial Attorney
Civil Division, Federal Programs Branch
U.S. Department of Justice
P.O. Box 883
Washington, D.C. 20044

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

Executed at San Francisco, California, this 1st day of July, 2010.

Kathy Beaudoin
(typed)


(signature)