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10 Attorneys for Plaintiffs
 Vietnam Veterans of America; Swords to Plowshares: Veterans
 11 Rights Organization; Bruce Price; 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; SWORDS TO
 PLOWSHARES: VETERANS RIGHTS
 17 ORGANIZATION, a California Non-Profit
 Corporation; BRUCE PRICE; FRANKLIN D.
 18 ROCHELLE; LARRY MEIROW; ERIC P.
 MUTH; DAVID C. DUFRANE; and WRAY C.
 19 FORREST, Individuals,

Case No. CV 09-0037-CW

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

Complaint Filed January 7, 2009

20 Plaintiffs,

21 v.

22 CENTRAL INTELLIGENCE AGENCY;
 GENERAL MICHAEL V. HAYDEN, USAF,
 23 Director of the Central Intelligence Agency;
 UNITED STATES DEPARTMENT OF
 24 DEFENSE; DR. ROBERT M. GATES, Secretary
 of Defense; UNITED STATES DEPARTMENT
 25 OF THE ARMY; PETE GEREN, United States
 Secretary of the Army; UNITED STATES OF
 26 AMERICA; and MICHAEL B. MUKASEY,
 Attorney General of the United States,
 27

28 Defendants.

PLS.' FOURTH REQUEST FOR PRODUCTION
 Case No. CV 09-0037-CW
 sf-2867100

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: Four

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 copyees, 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.
28

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.
28

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. 175:**

15 Reports, presentations, memoranda, MEETINGS and other COMMUNICATIONS
16 CONCERNING Suffield F.E. 197 of March 30, 1944, relating to field trials of lewisite on
17 human subjects, as referenced on page 2 of enclosure 3 to the Minutes of the MEETING of the
18 Research Council of the Chemical Corps Advisory Board held on June 3, 1947.

19 **REQUEST FOR PRODUCTION NO. 176:**

20 The Biennial Reports of the Chief Chemical Officer of the U.S. Army Chemical Corps
21 and all MEETINGS and COMMUNICATIONS CONCERNING the same.

22 **REQUEST FOR PRODUCTION NO. 177:**

23 The contracts between YOU and the University of Pennsylvania with Carl F. Schmidt
24 as principal investigator CONCERNING a balanced chemical-biological search for novel
25 chemical warfare agents, and all MEETINGS and COMMUNICATIONS CONCERNING the
26 same.

1 **REQUEST FOR PRODUCTION NO. 178:**

2 The Kharasch Contract and all MEETINGS and COMMUNICATIONS
3 CONCERNING the same.

4 **REQUEST FOR PRODUCTION NO. 179:**

5 Presentations and reports made to the Armed Forces Policy Council CONCERNING
6 chemical warfare, biological warfare, or mind control agents or weapons, including, without
7 limitation, the presentation delivered by General William M. Creasy in 1958, and all
8 MEETINGS and COMMUNICATIONS CONCERNING the same.

9 **REQUEST FOR PRODUCTION NO. 180:**

10 MEETINGS, conferences, reports, contracts, and other COMMUNICATIONS
11 involving the Operations Research Office, described by the Army Chemical Corps Advisory
12 Council, as a contracting agency for the Army operating out of Johns Hopkins University,
13 CONCERNING chemical or biological weapons or research.

14 **REQUEST FOR PRODUCTION NO. 181:**

15 Papers published or presented at any conference or MEETING by members of the U.S.
16 Army Chemical Corps CONCERNING chemical or biological weapons research or substances,
17 and all COMMUNICATIONS CONCERNING the same.

18 **REQUEST FOR PRODUCTION NO. 182:**

19 The "master DOCUMENT" covering the major areas of chemical and biological
20 weapons research and all of the supporting DOCUMENTS relating to concepts of use, research
21 and development, material guidance, planning of mission, delivery, use, estimation of
22 casualties, and supply considerations, as described on pages 13-17 in the Summary of the
23 MEETING of the U.S. Army Chemical Corps Advisory Council held on June 23-24, 1958, at
24 the Army Chemical Center, Maryland, and all MEETINGS and COMMUNICATIONS
25 CONCERNING the same.

26 **REQUEST FOR PRODUCTION NO. 183:**

27 Research, reports, MEETINGS and other COMMUNICATIONS CONCERNING the
28 synergistic effects of radiation on chemical and biological agents or weapons and any

1 combinations of them, including, without limitation, the studies conducted at Dugway Proving
2 Grounds, the conferences held at RDCOM headquarters, the research conducted by the
3 Biological Warfare Laboratories and Chemical Warfare Laboratories, input from the Surgeon
4 General's Office, and all contracts with universities and private contractors CONCERNING
5 the same.

6 **REQUEST FOR PRODUCTION NO. 184:**

7 Reports, minutes, MEETINGS and other COMMUNICATIONS CONCERNING the
8 Ad Hoc Study Group on Limited Warfare of the Defense Science Board and/or the role or
9 effects of chemical or biological weapons or agents in modern warfare.

10 **REQUEST FOR PRODUCTION NO. 185:**

11 Reports, conclusions, analyses, MEETINGS and other COMMUNICATIONS
12 CONCERNING the LAC and North American Spray Trials re biological weapons or agents.

13 **REQUEST FOR PRODUCTION NO. 186:**

14 Studies, reports, data, health effects, toxicity, conclusions, MEETINGS and
15 COMMUNICATIONS CONCERNING the toxic moiety of X and/or Recommendation
16 No. 36-59 of the Agents Committee, Fort Detrick and Army Chemical Center, Maryland,
17 November 5-6, 1959 (as included in the Reports and Recommendations of the Chemical Corps
18 Advisory Council, December 31, 1959).

19 **REQUEST FOR PRODUCTION NO. 187:**

20 Presentations, reports, agendas, MEETINGS and COMMUNICATIONS involving the
21 Agents Committee and Medical Committee of the U.S. Army Chemical Corps Advisory
22 Council CONCERNING biological or chemical agents or weapons and/or health effects of the
23 same.

24 **REQUEST FOR PRODUCTION NO. 188:**

25 Reports, memoranda, MEETINGS and other COMMUNICATIONS CONCERNING
26 the field testing of BZ and other chemical or biological agents at Dugway Proving Grounds,
27 including, without limitation, all deaths, injuries, experiences of unconsciousness, illnesses,
28 hospitalizations, reactions, and acute somatic effects and the "incident with BZ" described in

1 the May 31, 1962 Report and Recommendations of the Chemical Corps Advisory Council at
2 Page 22.

3 **REQUEST FOR PRODUCTION NO. 189:**

4 Medical Laboratories Contract Reports CONCERNING biological or chemical
5 weapons or agents, including, without limitation, the entities and PERSONS listed on pages
6 17-18 of Chemical Corps Medical Laboratories Special Report No. 59, Clarence J. Hylander,
7 Chief, Technical Information Office (January 1955), and all MEETINGS and
8 COMMUNICATIONS CONCERNING the same.

9 **REQUEST FOR PRODUCTION NO. 190:**

10 Reports, agendas, presentations, transcripts, MEETINGS and other
11 COMMUNICATIONS CONCERNING tri-service conferences to address the health hazards of
12 military chemicals, including, without limitation, those authored or received by Colonel
13 William E.R. Sullivan, Deputy Commander of the Army Chemical Corps Research and
14 Engineering Command.

15 **REQUEST FOR PRODUCTION NO. 191:**

16 The negotiation, content, application, interpretation or other DOCUMENTS
17 CONCERNING the 1952 Memorandum of Understanding between the CIA and the Army's
18 Chief Chemical Corps Officer CONCERNING an agreement which established that the
19 Chemical Corp's Special Operations Division would pursue projects requested by the CIA and
20 the CIA would provide funding for those projects, and all MEETINGS and
21 COMMUNICATIONS CONCERNING the same.

22 **REQUEST FOR PRODUCTION NO. 192:**

23 The contract scope, design, experiments, results, and all MEETINGS and
24 COMMUNICATIONS CONCERNING Contract DA-18-108-405-CML-826 with Hazleton
25 Laboratories, Falls Church, Virginia.

26 **REQUEST FOR PRODUCTION NO. 193:**

27 COMMUNICATIONS and MEETINGS between or amongst YOU and the Society of
28 Biological Psychiatry, whose address at one time was 2010 Wilshire Boulevard, Los Angeles,

1 California, and or its officers, including, without limitation, Dr. Amedeo S. Marrazzi,
2 President; Dr. Max Rinkel, First VP; Dr. George Thompson, Second VP; Dr. Karl O. Von
3 Hagen; Dr. Laretta Bender; Dr. Paul Hoch; Dr. Leo Alexander; Dr. Howard Hoagland;

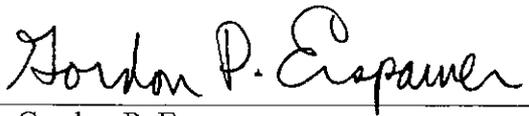
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1 Dr. Max Fink; and/or Dr. Harold Himwich, CONCERNING the TEST PROGRAMS or any
2 experiments with chemical or biological substances with human subjects.

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Dated: August 2, 2010

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

By: 
Gordon P. Erspamer

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

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' FOURTH 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 2nd day of August, 2010.

Kathy Beaudoin
(typed)


(signature)