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Vietnam Veterans of America; Swords to
8 Plowshares; Veterans Rights Organization;
Bruce Price; Franklin D. Rochelle; Larry
9 Meirow; Eric P. Muth; David C. Dufrane; Tim
Michael Josephs; and William Blazinski

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

VIETNAM VETERANS OF AMERICA, *et al.*,
Plaintiffs,
v.
CENTRAL INTELLIGENCE AGENCY, *et al.*,
Defendants.

Case No. CV 09-0037-CW

**DECLARATION OF LAURA
O'NEILL IN SUPPORT OF MOTION
TO COMPEL DISCOVERY**

Complaint filed January 7, 2009

1 I, Laura O'Neill, 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 Tim Michael Josephs, and William Blazinski ("Plaintiffs") in this action. I submit this
7 Declaration in Support of Plaintiffs' Motion to Compel Discovery. 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. Attached hereto as Exhibit A is a true and correct copy of Plaintiffs' Second Set of
10 Requests for Production of Documents to Defendant Department of Veterans Affairs, served on
11 DVA on March 21, 2011.

12 3. Attached hereto as Exhibit B is a true and correct copy of Plaintiffs' Third Set of
13 Requests for Production of Documents to Defendant Department of Veterans Affairs, served on
14 DVA on June 1, 2011.

15 4. Attached hereto as Exhibit C is a true and correct copy of Plaintiffs' Second Set of
16 Interrogatories to United States Department of Veterans Affairs, served on DVA on June 15,
17 2011.

18 5. Attached hereto as Exhibit D is a true and correct copy of Defendant Department
19 of Veterans Affairs' Response to Plaintiffs' Second Set of Requests for Production of Documents
20 to Defendant Department of Veterans Affairs, served on April 25, 2011.

21 6. Attached hereto as Exhibit E is a true and correct copy of Defendant Department
22 of Veterans Affairs' Response to Plaintiffs' Third Set of Requests for Production of Documents
23 to Defendant Department of Veterans Affairs, served on July 1, 2011.

24 7. Attached hereto as Exhibit F is a true and correct copy of Defendant's Responses
25 to Plaintiffs' Second Set of Interrogatories to United States Department of Veterans Affairs,
26 served on July 15, 2011.

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1 8. Attached hereto as Exhibit G is a true and correct copy of excerpts from the
2 transcript of the June 29, 2011 deposition of Joseph Salvatore, Director, Reports and Information
3 Service, Office of Policy and Planning, Department of Veterans Affairs.

4 9. Attached hereto as Exhibit H is a true and correct copy of what I am informed and
5 believe is the notification letter DVA sent test to subjects dated June 30, 2006, which was
6 produced by DVA with the Bates labels VET001_014266 through VET001_014271.

7 10. Attached hereto as Exhibit I is a true and correct copy of what I am informed and
8 believe is a chart including the success rates of Chem-Bio claims, which was produced by DVA
9 with the Bates label DVA002 014306.

10 11. Attached hereto as Exhibit J is a true and correct copy of what I am informed and
11 believe is a report on Outreach Activities prepared by DVA, which was produced by DVA with
12 the Bates labels DVA003 013242 through DVA003 013253.

13 12. Attached hereto as Exhibit K is a true and correct copy of what I am informed and
14 believe is a summary of a March 30, 2006 meeting between staff of DVA and staff of Defendant
15 Department of Defense ("DoD"). This summary was produced by DVA with the Bates labels
16 VET007_001419 through VET007_001420.

17 13. Attached hereto as Exhibit L is a true and correct copy of what I am informed and
18 believe is a draft of the notification letter DVA sent to test subjects dated June 1, 2006, which was
19 produced by DVA with the Bates labels DVA003 007693 through DVA003 007694.

20 14. Attached hereto as Exhibit M are true and correct copies of DVA's revised
21 privilege log and its accompanying cover letter from Caroline Lewis Wolverton, counsel for
22 Defendants to Gordon Erspamer, which were sent on October 21, 2010.

23 15. Attached hereto as Exhibit N is a true and correct copy of Defendants' privilege
24 log, which was produced on February 11, 2011.

25 16. Attached hereto as Exhibit O is a true and correct copy of what I am informed and
26 believe is the training letter provided to adjudicators for the purpose of adjudicating the claims of
27 test subjects. DVA produced this training letter with the Bates labels VET001_015121 through
28 VET001_015134.

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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