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10	Meirow; Eric P. Muth; David C. Dufrane; and Wray C. Forrest	
11		
12	UNITED STATES DISTRICT COURT	
13	NORTHERN DISTRICT OF CALIFORNIA	
14	OAKLAND DIVISION	
15		
16	VIETNAM VETERANS OF AMERICA, et al.,	Case No. CV 09-0037-CW
17	Plaintiffs,	DECLARATION OF ADRIANO
18	V.	HRVATIN IN SUPPORT OF STIPULATION AND [PROPOSED]
19 20	CENTRAL INTELLIGENCE AGENCY, et al.,	ORDER CONTINUING HEARING ON DEFENDANTS' MOTION TO DISMISS
20		FIRST AMENDED COMPLAINT AND
21 22	Defendants.	INITIAL CASE MANAGEMENT CONFERENCE
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-	A. HRVATIN DECL. ISO STIPULATION AND [PROPOSED] ORDER CASE NO. CV 09-0037-CW sf-2758266	R

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1	I, Adriano Hrvatin, 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 the	
7	parties' Stipulation and [Proposed] Order Continuing Hearing on Defendants' Motion to Dismiss	
8	First Amended Complaint and Initial Case Management Conference. I make this Declaration	
9	based on personal knowledge, except for any items stated on information and belief, which I am	
10	informed and believe are true. If called as a witness, I would testify to the facts set forth below.	
11	2. On August 14, 2009, Defendants filed a motion to dismiss Plaintiffs' First	
12	Amended Complaint (the "Motion"). (See Docket No. 34.)	
13	3. On September 15, 2009, the Court entered a modified briefing and hearing	
14	schedule in connection with the Motion, pursuant to a stipulation submitted by the parties.	
15	(Docket No. 42.) The Court's order also continued the Initial Case Management Conference to	
16	November 12, 2009 so that it would coincide with the continued hearing date on the Motion.	
17	(<i>Id</i> .)	
18	4. Pursuant to the modified briefing schedule, Plaintiffs filed an opposition to the	
19	Motion on October 2, 2009 (Docket No. 43), and Defendants filed a reply in support of the	
20	Motion on October 23, 2009 (Docket No 47).	
21	5. On October 27, 2009, I conferred with Defendants' counsel, Caroline Lewis	
22	Wolverton, regarding a continuance of the hearing date on Defendants' Motion and the Initial	
23	Case Management Conference. I identified that lead trial counsel for Plaintiffs on this matter,	
24	Gordon Erspamer, has a scheduling conflict that will take him out of the country for the majority	
25	of the month of November. As lead trial counsel, Mr. Erspamer will argue on behalf of Plaintiffs	
26	in opposition to Defendants' Motion, and his attendance at the Initial Case Management	
27	Conference is mandatory. See Civil L.R. 16-10(a). Ms. Wolverton agreed to a continuance of the	
28	hearing date on Defendants' Motion as well as the Initial Case Management Conference.	
	A. HRVATIN DECL. ISO STIPULATION AND [PROPOSED] ORDER CASE NO. CV 09-0037-CW sf-2758266	

Ms. Wolverton and I agreed to a brief three-week extension as to the deadlines set
 forth in the current scheduling order so that the hearing on Defendants' Motion and the Initial
 Case Management Conference shall be continued from November 12, 2009 to December 3, 2009,
 at 2:00 p.m.

5 7. This agreed-upon extension of the hearing schedule as to Defendants' Motion and 6 the Initial Case Management Conference is not submitted for the purpose of delay. The stipulated 7 continuance sets these matters on the first law-and-motion date available on the Court's calendar 8 following Mr. Erspamer's return to the country and the Thanksgiving holiday. The stipulated 9 continuance reflects the parties' good-faith and reasonable attempt to accommodate the conflict 10 presented by the schedule of lead trial counsel for Plaintiffs in this matter.

8. The stipulated continuance further promotes judicial efficiency in that it will
provide both parties, through lead trial counsel, the opportunity to present their respective
positions on Defendants' Motion to the Court, and will permit lead trial counsel for Plaintiffs to
attend the Initial Case Management Conference. In this connection, the parties agree that the
brief extension to the schedule will not cause prejudice to either party.

I declare under penalty of perjury under the laws of the United States of America that the
foregoing is true and correct and that this Declaration was executed in San Francisco, California,
on this 28th day of October 2009.

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