1 2	UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA OAKLAND DIVISION			
3	VIETI et al,	NAM VETERANS OF AMERICA,)	Civil Action No. C 09-0037 CW	
5		Plaintiffs,) vs.)	DECLARATION OF CAROLINE LEWIS WOLVERTON IN SUPPORT OF DEFENDANTS' OPPOSITION TO	
67	CENT et al.,	RAL INTELLIGENCE AGENCY,) Defendants.)	PLAINTIFFS' MOTION TO COMPEL PRODUCTION OF DOCUMENTS	
8 9		I, Caroline Lewis Wolverton, declare a	as follows:	
10	1.	I am a Senior Counsel in the Federal P	rograms Branch, Civil Division of the United	
11		States Department of Justice. I am far	niliar with the productions that Defendants and the	
12		`	') have made in response to Plaintiffs' discovery	
13		requests in this action as I have served	as counsel for both Defendants and the VA in	
14		connection with those productions.		
15	2.	In response to Plaintiffs' first set of red	quests for production of documents, Defendants	
16		have produced over 14,000 pages of documents, including individual test records of each		
17		of the named individual Plaintiffs, and	a copy of the Department of Defense's Chem-Bio	
18		database from which servicemember n	ames were redacted. They also made available for	
19		Plaintiffs' inspection several videotape	es and other media materials that Plaintiffs had	
20		requested.		
21	3.	Attached hereto as Ex. A are true and	accurate copies of the First, Second, Third and	
22		Fourth Sets of Requests for Production	n of Documents that Plaintiffs have served	
23		Defendants.		
24	4.	Attached hereto as Ex. B are true and a	accurate copies of the Defendants' written	
25	responses to Plaintiffs' First Set of Requests for Production of Documents that Plaintiffs			
26		served Defendants.		
27	5.	Attached hereto as Ex. C is a true and	accurate copy of Defendants' Amended	
28		Interrogatory Responses		

No. C 09-0037 CW

Decl. of Caroline Lewis Wolverton

- 3
- 4
- 6

5

- 7
- 8
- 9 10
- 11
- 12
- 13
- 14
- 15
- 16 17
- 18
- 19 20
- 21 22
- 23 24
- 25 26
- 27
- 28

- 6. Attached hereto as Ex. D is a true and accurate copy of Defendants' privilege log as of July 29, 2010.
- 7. Withheld from Defendants' March 2010 production was one document that fell within Defendants' objections: a report concerning Project 112/SHAD.
- 8. In May 2010, during a telephonic meet-and-confer conference, I informed Messrs. Gordon Erspamer and Daniel Vecchio, counsel for Plaintiffs that DoD and Army had agreed to conduct additional searches for information pertaining to possible health effects of tested substances.
- 9. During the parties' June 30, 2010 meet-and-confer, it was my understanding that the parties agreed that (1) Defendants would outline a proposal for additional discovery searches that would focus on locating information on possible health effects of substances tested, which Plaintiffs indicated was the primary goal of their discovery requests and (2) Plaintiffs would provide a list of key words or search terms that might enable Defendants to locate additional information or documents that Plaintiffs sought. I have not received such a list from Plaintiffs.
- 10. Attached hereto as Ex. E is a true and accurate copy of my letter of July 12, 2010 to Plaintiffs' counsel setting forth Defendants' first proposal for an agreed-upon scope of discovery.
- 11. Attached hereto as Ex. F is a true and accurate copy of my letter of July 30, 2010 to counsel for Plaintiffs setting forth Defendants' second proposal for an agreed-upon scope of discovery.
- 12. Counsel for Plaintiffs made no counter-proposal to either Defendants' July 12 or July 30 proposals for an agreed-upon scope of discovery.
- 13. On November 2009, I sent to Mr. Adriano Hrvatin, counsel for Plaintiffs, via e-mail a copy of the finding aid that the Central Intelligence Agency maintains for its 20,000 page compilation of information about CIA's behavioral research programs.
- 14. Attached hereto as Ex. G is a true and accurate copy of what I am informed and believe is the Table of Contents, Forward, and excerpts of Chapter X to Army Inspector General

- Report, "Use of Volunteers in Chemical Agent Research," March 10, 1976 (VVA 028452-028525), , produced by Defendants to Plaintiffs in this litigation.
- 15. Attached hereto as Ex. H is a true and accurate copy of an excerpt of what I am informed and believe is the Department of Veterans Affairs' study guide "Health Effects from Chemical, Biological and Radiological Weapons" (VVA 023979-023982), produced by Defendants to Plaintiffs in this litigation.
- 16. Attached hereto as Ex. I is a true and accurate copy of an excerpt of what I am informed and believe is the LSD Follow-up Study Report (VVA 024174-024182), , produced by Defendants to Plaintiffs in this litigation.
- Attached hereto as Ex. J is a true and accurate copy of what I am informed and believe is
 Chapter 8, "Long Term Health Effects of Nerve Agents And Mustard," and Chapter 11,
 "Incapacitating Agents," of *Medical Aspects of Chemical and Biological Warfare*.

 Defendants to Plaintiffs in this litigation produced a web-based copy of *Medical Aspects*of Chemical and Biological Warfare on March 25, 2010 on a CD bates-labeled VVA
 029359.
 - 18. Attached hereto as Ex. K is a true and accurate copy of an excerpt of what I am informed and believe is "Chemical Compounds Used in Human Testing at Edgewood Arsenal (1955 to 1975)" (VVA 026292-026301), produced by Defendants to Plaintiffs in this litigation.
 - 19. Attached hereto as Ex. L is a true and accurate copy of an excerpt of what I am informed and believe is the "US Chemical and Biological Tests Repository Acronym List" (VVA 026266-026267), produced by Defendants to Plaintiffs in this litigation.
 - 20. Attached hereto as Ex. M is a true and accurate copy of an excerpt of what I am informed and believe is of the National Research Council, Committee on Toxicology's "Review of Acute Human-Toxicity Estimates for Selected Chemical-Warfare Agents" (VVA 024597-0245696), produced by Defendants to Plaintiffs in this litigation.

	Case4:09-cv-00037-CW Document143-8 Filed09/15/10 Page4 of 61	
1	21. Attached hereto as Ex. N is a true and accurate copy of what I am informed and believe is	
2	a CIA memorandum, dated February 12, 1975 (VVA 023862-023863), produced by	
3	Defendants to Plaintiffs in this litigation.	
4	22. Attached hereto as Exhibit O is a true and accurate copy of what I am informed and	
5	believe is a CIA memorandum, dated August 2, 1977 (VVA 023868), produced by	
6	Defendants to Plaintiffs in this litigation.	
7	23.	
8	I declare under penalty of perjury that the foregoing is true and correct. Executed in	
9	Washington, D.C. on September 15, 2010.	
10	/s/ Caroline Lewis Wolverton Caroline Lewis Wolverton	
11	Caronne Lewis Wolverton	
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		
26		
27		
28		
ı		

No. C 09-0037 CW