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8	Vietnam Veterans of America; Swords to Plowshares: Veterans Rights Organization;	
9	Bruce Price; Franklin D. Rochelle; Larry Meirow; Eric P. Muth; David C. Dufrane; Tim Michael Josephs; and William Blazinski	
10	wichael Josephs, and william Biazinski	
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13	UNITED STATES D	DISTRICT COURT
14	NORTHERN DISTRIC	T OF CALIFORNIA
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16	VIETNAM VETERANS OF AMERICA, et al.,	Case No. CV 09-0037-CW
17	Plaintiffs,	DECLARATION OF LAURA O'NEILL IN SUPPORT OF MOTION
18	V.	TO COMPEL DISCOVERY
19	CENTRAL INTELLIGENCE AGENCY, et al.,	Complaint filed January 7, 2009
20	Defendants.	
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	O'NEILL DECL. IN SUPP. OF MOT. TO COMPEL DISCOVERY Case No. CV 09-0037-CW sf-3034535	

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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 base	
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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1	17. Attached hereto as Exhibit P is a true and correct copy of what I am informed and
2	believe is a letter from DVA's Under Secretary of Health to clinicians regarding the potential
3	health effects from chemical warfare testing, which was produced by DVA with the Bates labels
4	VET001_015606 through VET001_015609.
5	18. Counsel for the parties met and conferred via telephone regarding their discovery
6	disputes on May 9, July 14, July 21, August 2, and August 15, 2011.
7	19. Counsel for the parties met and conferred in person on August 4, 2011, as
8	requested by the Court.
9	20. The parties appeared before U.S. Magistrate Judge Jacqueline Scott Corley on
10	August 4, 2011 to discuss outstanding discovery disputes.
11	I declare under penalty of perjury under the laws of the United States of America that the
12	foregoing is true and correct and that this Declaration was executed in San Francisco, California
13	on this 18th day of August, 2011.
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15	/s/ Laura O'Neill Laura O'Neill
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28	O'NEILL DECL. IN SUPP. OF MOT. TO COMPEL DISCOVERY Case No. CV 09-0037-CW sf-3034535

1	Attestation Pursuant to General Order 45, section X.B
2	I hereby attest that I have on file all holograph signatures for any signatures indicated by a
3	"conformed" signature (/S/) within this efiled document.
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5	/s/ GORDON P. ERSPAMER
6	Gordon P. Erspamer
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28	O'NEILL DECL. IN SUPP. OF MOT. TO COMPEL DISCOVERY Case No. CV 09-0037-CW sf-3034535 4