

1 JEFFREY S. BUCHOLTZ
 Acting Assistant Attorney General
 2 JOSEPH P. RUSSONIELLO
 United States Attorney
 3 RICHARD LEPLEY
 Assistant Branch Director
 4 DANIEL BENSING D.C. Bar No. 334268
 STEVEN Y. BRESSLER D.C. Bar No. 482492
 5 KYLE R. FREENY California Bar No. 247857
 Attorneys
 6 United States Department of Justice
 Civil Division, Federal Programs Branch

7 P.O. Box 883
 8 Washington, D.C. 20044
 Telephone: (202) 514-5108
 9 Facsimile: (202) 616-8460
 Email: Kyle.Freeny@USDOJ.gov

10 Attorneys for Defendants Hon. James B. Peake, the U.S. Department of Veterans Affairs, Hon.
 11 James P. Terry, Hon. Daniel L. Cooper, Hon. Bradley G. Mayes, Hon. Michael J. Kussman,
 Ulrike Willimon, the United States of America, Hon. Peter D. Keisler, and Hon. William P.
 12 Greene, Jr.

13 UNITED STATES DISTRICT COURT
 14 NORTHERN DISTRICT OF CALIFORNIA
 15 SAN FRANCISCO

16 VETERANS FOR COMMON SENSE and)
 17 VETERANS UNITED FOR TRUTH,)
 18 Plaintiffs,)
 19 v.)
 20 Hon. JAMES B. PEAKE, Secretary of)
 Veterans Affairs, *et al.*,)
 21 Defendants.)
 22)
 23)

No. C 07-3758-SC

DISCOVERY CERTIFICATION

24 I certify that on January 25, 2008, I spoke by telephone with counsel for plaintiffs,
 25 Gordon Erspamer, to discuss defendant's interest in seeking a stay of discovery from the U.S.
 26 Court of Appeals for Veterans Claims (CAVC) pending a ruling on defendants' Motion to
 27 Dismiss Claims Against Defendants William P. Greene, Jr. and Michael B. Mukasey. I
 28

Case No. C 07-3758-SC
 Discovery Certification for Defendant's Motion for Protective Order to Stay Discovery from the
 U.S. Court of Appeals for Veterans Claims

1 explained to plaintiffs' counsel that defendants objected to discovery from the CAVC at least
2 until this Court could rule on the pending dispositive motion to dismiss claims against Chief
3 Judge Greene. I expressed defendant's intent to file a motion for stay of discovery from the
4 CAVC if plaintiffs could not consent to such a stay. Mr. Erspamer informed me that plaintiffs
5 could not consent to a stay of discovery from the CAVC.

6
7 Dated: January 25, 2008

Respectfully Submitted,

8 JEFFREY S. BUCHOLTZ
Acting Assistant Attorney General

9 JOSEPH P. RUSSONIELLO
10 United States Attorney

11 RICHARD LEPLEY
Assistant Branch Director

12
13 /s/ Kyle R. Freeny
KYLE R. FREENY California Bar #247857
14 DANIEL BENSING D.C. Bar #334268
STEVEN Y. BRESSLER D.C. Bar #482492
Attorneys
15 U.S. Department of Justice, Civil Division
P.O. Box 883
16 Washington, D.C. 20044
(202) 514-5108 (telephone)

17 Counsel for Defendants
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