

EXHIBIT

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15 VETERANS FOR COMMON SENSE, and
VETERANS UNITED FOR TRUTH, INC.

16 UNITED STATES DISTRICT COURT
17 NORTHERN DISTRICT OF CALIFORNIA

18 VETERANS FOR COMMON SENSE, and
19 VETERANS UNITED FOR TRUTH, INC.,

20 Plaintiffs,

21 v.

22 R. JAMES NICHOLSON, Secretary of Veterans
23 Affairs, *et al.*,

24 Defendants.

Case No. C-07-3758-SC

**VETERANS FOR COMMON SENSE
AND VETERANS UNITED FOR
TRUTH, INC.'S FIRST AMENDED
FIRST SET OF REQUESTS FOR
PRODUCTION OF DOCUMENTS
TO ALL DEFENDANTS**

(Class Action)

Complaint Filed July 23, 2007

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1 **PROPOUNDING PARTY: VETERANS FOR COMMON SENSE and VETERANS UNITED**
2 **FOR TRUTH, INC.**

3 **RESPONDING PARTIES: R. JAMES NICHOLSON, et al.**

4 **SET NUMBER: ONE**

5 Pursuant to Federal Rule of Civil Procedure 34, Plaintiffs Veterans for Common Sense
6 (“VCS”) and Veterans United for Truth, Inc. (“VUFT”) request that each of the named defendants
7 (collectively “Defendants”) separately produce for inspection and copying the documents and things
8 set forth below that are in its possession, custody, or control, or in the possession, custody, or control
9 of its attorneys and/or accountants, its investigators, and any persons acting on their behalf, at the
10 offices of Morrison & Foerster, 101 Ygnacio Valley Road Suite 450, Walnut Creek, California,
11 94596 or another place as may be mutually agreed upon within thirty (30) days.

12 **DEFINITIONS**

13 Unless otherwise indicated, the following definitions shall apply.

14 1. “COMMUNICATION” or “COMMUNICATIONS” means, unless otherwise specified,
15 any of the following: (a) any written letter, memorandum, DOCUMENT, or any other writing;
16 (b) any telephone call between two or more PERSONS, whether or not such call was by chance or
17 prearranged, formal or informal; and (c) any conversation or meeting between two or more
18 PERSONS, whether or not such contact was by chance or prearranged, formal or informal, including,
19 without limitation, conversations or meetings occurring via telephone, teleconference, video
20 conference, electronic mail (e-mail), or instant electronic messenger.

21 2. “CONCERNING” means constituting, summarizing, memorializing, referring to, and/or
22 relating to.

23 3. “DOCUMENT” or “DOCUMENTS” means any tangible thing upon which any
24 expression, COMMUNICATION or representation has been recorded by any means including, but
25 not limited to, handwriting, typewriting, printing, photostating, photographing, magnetic impulse, or
26 mechanical or electronic recording and any non-identical copies (whether different from the original
27 because of notes made on such copies, because of indications that said copies were sent to different
28 individuals than were the originals, or because of any other reason), including but not limited to

1 working papers, preliminary, intermediate or final drafts, correspondence, memoranda, charts, notes,
2 records of any sort of meetings, invoices, financial statements, financial calculations, diaries, reports
3 of telephone or other oral conversations, desk calendars, appointment books, audio or video tape
4 recordings, e-mail or electronic mail, electronic folders, microfilm, microfiche, computer tape,
5 computer disk, computer printout, computer card, and all other writings and recordings of every kind
6 that are in your actual or constructive possession, custody or control.

7 4. "IDENTIFY" or "IDENTITY" means:

8 a. with respect to a PERSON, to state the PERSON's full name, current or last
9 known employer, that employer's address and telephone number, the PERSON's title and/or position
10 with that employer, and the PERSON's current or last known home address and telephone number;

11 b. with respect to a DOCUMENT, to state the type of DOCUMENT (i.e., letter,
12 memorandum, telephone note, computer floppy or hard disk, magnetic tape, etc.), the title of the
13 DOCUMENT (if any), the date it was created, the author, all intended recipients including the
14 addressee and any and all copyees, a brief description of the subject matter of the DOCUMENT, the
15 present and/or last known location of the DOCUMENT, and to IDENTIFY all present or last known
16 person in possession, custody or control of the DOCUMENT;

17 c. with respect to a COMMUNICATION to state the name and affiliation of all
18 PERSONS participating in, or present for, the COMMUNICATION, the date of the
19 COMMUNICATION, and whether it was conducted in person or by other means (such as telephone,
20 correspondence, e-mail), and whether it was recorded (e.g., stenographically or by audio or
21 videotape);

22 d. with respect to a MEETING to state the names and affiliations of all
23 PERSONS participating in, or present for, the MEETING, the date of the meeting, and the location of
24 the meeting, and the purpose of the meeting.

25 5. "MEETING" or "MEETINGS" means any coincidence of, or presence of, or telephone,
26 television, radio, or other electronic communication between or among persons, whether such was by
27 chance or prearranged, informal or formal.

1 6. "PERSON" or "PERSONS" means, unless otherwise specified, any natural person, firm,
2 entity, corporation, partnership, proprietorship, association, joint venture, other form of organization
3 or arrangement, and government and government agency of every nature and type.

4 7. "YOU" or "YOUR" means the Defendants in this action, and all of their predecessors,
5 partners, limited partners, affiliates, parent corporations, directors, staff, employees, and agents.
6 These terms also include any representatives or agents acting on YOUR behalf, including, without
7 limitation, attorneys, investigators, or consultants.

8 **SPECIAL DEFINITIONS**

9 8. "ALTARUM INSTITUTE" means the Altarum Institute, headquartered in Ann Arbor,
10 Michigan, and all (i) its present and former directors, officers, employees, agents, representatives,
11 accountants, investigators, consultants, attorneys, and predecessors or successors in interest and any
12 parent, subsidiary or affiliated entities that were in existence during the applicable period of time
13 covered by these requests, including, without limitation; (ii) any other person or entity acting on its
14 behalf or on whose behalf it acted; or (iii) any other person or entity otherwise subject to its control or
15 which controls it, or with which they are under common control.

16 9. "BVA" or "BOARD OF VETERANS APPEALS" means the Board of Veterans Appeals
17 and all its offices, departments, organizations, administrations, sections, teams, management,
18 members, and employees including, without limitation, all judges, Board members, attorneys, and
19 staff attorneys.

20 10. "CAVC" or "Court of Appeals for Veterans Claims" means the Court of Appeals for
21 Veterans Claims and all its offices, departments, organizations, administrations, sections, teams,
22 management, members, and employees including, without limitation, all judges, attorneys, and staff
23 attorneys, including, the time period when this entity was named the Court of Veterans Appeals.

24 11. "CLAIM" means an application filed by a PERSON seeking SCDDC, including the
25 initial claim, each reopened claim and any appeals to the BVA, CAVC, Federal Circuit, or U.S.
26 Supreme Court.

1 12. "CLINICIAN'S GUIDE" means the publication entitled VA Clinician's Guide (Lewis
2 R. Coulso, ed., Matthew Bender & Co. Inc. 2006), and earlier or later versions of that edition of the
3 Clinician's Guide.

4 13. "DEPARTMENT OF DEFENSE" or "DoD" means the United States Department of
5 Defense, and all its offices, departments, organizations, administrations, boards, commissions, task
6 forces, management, and past and present employees and service members.

7 14. "DEPARTMENT OF THE AIR FORCE" means the United States Department of the
8 Air Force, and all its offices, departments, organizations, administrations, boards, commissions, task
9 forces, management, and past and present employees and service members.

10 15. "DEPARTMENT OF THE ARMY" means the United States Department of the Army,
11 and all its offices, departments, organizations, administrations, boards, commissions, task forces,
12 management, and past and present employees and service members.

13 16. "DEPARTMENT OF THE NAVY" means the United States Department of the Navy,
14 and all its offices, departments, organizations, administrations, boards, commissions, task forces,
15 management, and past and present employees and service members, including the United States
16 Marine Corps.

17 17. "DOLE/SHALALA REPORT" means the Report of the President's Commission on
18 Care for America's Wounded Returning Warriors, published July 2007 by Co-Chairs Robert Dole
19 and Donna Shalala.

20 18. "DSM" means any edition of the Diagnostic and Statistical Manual of Mental
21 Disorders, published by the American Psychiatric Association.

22 19. "DVB" or "DEPARTMENT OF VETERANS BENEFITS" means the Department of
23 Veterans Benefits within the VA and all its offices, departments, organizations, administrations,
24 boards, commissions, task forces, management, and past and present employees.

25 20. "GAO" means the United States Government Accountability Office and all its
26 predecessors, offices, departments, organizations, administrations, boards, commissions, task forces,
27 management, and past and present employees.

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1 21. "INSTITUTE OF MEDICINE" means the Institute of Medicine, National Academy of
2 Sciences panel and all of its current and past employees and members.

3 22. "OPERATION ENDURING FREEDOM" or "OEF" means Operation Enduring
4 Freedom, the official name given to military operations in Afghanistan, and the nations and bodies of
5 water around it.

6 23. OPERATION IRAQI FREEDOM" or "OIF" means Operation Iraqi Freedom, the
7 official name given to military operations in Iraq and in the nations and bodies of water near it,
8 beginning in the year 2003.

9 24. "PERSONALITY DISORDER DISCHARGE" or "PDD" means the separation from
10 military service of a PERSON under Army Regulation 635-200, Chapter 5-13, Navy Military
11 Personnel Manual 1910-122, Marine Corps Separation and Retirement Manual Chapter 6, Section 2,
12 Subsection 6203, Air Force Regulation AFI 36-3208, or any similar DoD regulations, including DoD
13 Directive 133.2.14 (December 21, 1993), and any actions by the VA based on a PDD or a personality
14 disorder finding or diagnosis.

15 25. "PTSD" means post-traumatic stress disorder, as described in the DSM and VA
16 Regulations referencing the DSM.

17 26. "SCDDC" means service-connected death or disability compensation, including
18 dependency and indemnity compensation, as described in the Complaint.

19 27. "TDIU" means a claim for and/or VA rating of total disability based on individual
20 unemployability.

21 28. "VA" or "DVA" means the United States Department of Veterans Affairs, and all its
22 offices, departments, organizations, administrations, boards, consultants, commissions, task forces,
23 management, and past and present employees.

24 29. "VETERANS AFFAIRS COMMITTEES" means the members of the House or Senate
25 Veterans Affairs Committees, their staff, and any persons acting on their behalf.

26 30. "VETERANS BENEFITS ADMINISTRATION" or "VBA" means the Veterans
27 Benefits Administration within the VA and all its offices, departments, organizations,
28 administrations, boards, commissions, task forces, management, and past and present employees.

1 31. "VETERANS HEALTH ADMINISTRATION" or "VHA" means the Veterans Health
2 Administration within the VA and all its offices, departments, organizations, administrations, boards,
3 commissions, task forces, management, and past and present employees.

4 32. "VAIG" means the Inspector General of the Veterans Administration and all its offices,
5 departments, organizations, administrations, boards, commissions, task forces, management, and past
6 and present employees.

7 CONSTRUCTION

8 The following rules of construction shall also apply.

9 1. "All" or "each" shall be construed as "all and each."

10 2. "Any" should be understood to include and encompass "all"; "all" should be understood
11 to include and encompass "any."

12 3. "And" or "or" shall be construed either disjunctively or conjunctively as necessary to
13 bring within the scope of the discovery request all responses that might otherwise be construed to be
14 outside of its scope.

15 4. The use of the singular form of any word shall include the plural and vice versa.

16 INSTRUCTIONS

17 1. In the event Defendants produce original documents for inspection and copying, such
18 production shall be as the documents are kept in the usual course of business.

19 2. In lieu of production for inspection and copying, Defendants may produce the requested
20 documents by mail or delivery of true copies thereof to Morrison & Forester at the aforesaid address,
21 and make the originals available for inspection at a mutually agreed-upon location, during normal
22 business hours and upon reasonable notice. The documents copied shall be copied as they are kept in
23 the normal course of business, and any titles, labels, or other descriptions on any box, folder, binder,
24 file cabinet, or other container shall be copied as well.

25 3. Each document is to be produced, along with all non-identical copies, drafts, alterations,
26 and translations thereof, in its entirety, without abbreviations or redactions.

27 4. If any part of a document is responsive to any of the following requests, the entire
28 document shall be produced.

1 5. If Defendants withhold any of the requested documents from production under a claim of
2 privilege or other protection, it must serve within thirty (30) days of the service of this request a list
3 of such withheld documents (“privilege log”) indicating, for each document withheld, the following
4 information if known or available to Defendants: (i) the date composed or date appearing on the
5 document; (ii) the author; (iii) the number of pages; (iv) the number of copies made; (v) the identity
6 of all persons or entities who saw the original document or saw or received a copy of such document,
7 and the job titles of each such person; (vi) the subject matter; and (vii) the basis for claim of privilege
8 or other immunity asserted. The privilege log should be sufficiently detailed to permit Plaintiffs to
9 determine whether to make a motion with respect thereto.

10 6. If Defendants are aware of the existence of any requested items that they are unable to
11 produce, specify in writing and serve upon the undersigned a list indicating the identity of such
12 documents within thirty (30) days of the service of this request. Such identification should, for each
13 such document, set forth whether the document: (i) has been destroyed; (ii) has been lost, misplaced,
14 or stolen; or (iii) has never been, or is no longer, in the possession, custody, or control of the
15 responding party, in which case the name and address of any person or entity known or believed by
16 Defendants to have possession, custody or control of that document or category of documents should
17 be identified. In each such instance, each Defendant is to identify the document by author, addressee,
18 date, subject matter, number of pages, attachments or appendices, all persons to whom it was
19 distributed, shown, or explained, date and manner of destruction or other disposition, the reason for
20 destruction or other disposition, and persons destroying or disposing of the document.

21 7. If Defendants contend that any of the following requests is objectionable in whole or in
22 part, Defendants shall state with particularity each objection, the basis for it, and the categories of
23 information and documents to which the objection applies, and Defendants shall respond to the
24 request insofar as it is not deemed objectionable.

25 8. If Defendants find the meaning of any term in these requests unclear, Defendants shall
26 assume a reasonable meaning, state what the assumed meaning is, and respond to the request
27 according to the assumed meaning.

1 9. The following requests shall be deemed to be continuing. In accordance with Federal
2 Rule of Civil Procedure 26(e), Plaintiffs request that if, after answering the requests, Defendants
3 acquire additional knowledge or information regarding documents or things responsive to the
4 requests, Defendants shall produce such documents or provide Plaintiffs with such additional
5 knowledge or information.

6 10. Unless otherwise specified, each request calls for all documents created, received, or
7 dated between January 1, 2000 and the date of your response to the request.

8 **REQUESTS FOR PRODUCTION**

9 **PREAMBLE TO ALL REQUESTS:** All DOCUMENTS CONCERNING any one or more
10 of the following:

11 **REQUEST FOR PRODUCTION NO. 1:**

12 Lists, databases, computer systems or printouts showing pending SCDDC claims based on
13 PTSD or mental health disorders, including, without limitation, those containing information
14 regarding the stage of proceeding (e.g., regional office, BVA, CAVC, etc.) and/or similar lists
15 maintained, generated, dated, or printed between January 1, 2000 and the present.

16 **REQUEST FOR PRODUCTION NO. 2:**

17 Lists, databases or printouts of all resolved SCDDC claims based upon PTSD or mental health
18 disorder sorted, including, without limitation, information CONCERNING the stage of proceeding
19 (e.g., regional office, BVA, CAVC, etc.) at the time of resolution, and/or similar lists maintained,
20 generated, dated, or printed between January 1, 2000 and the present.

21 **REQUEST FOR PRODUCTION NO. 3:**

22 Circulars, directives, letters, VA Fast letters, policy directives or other written
23 COMMUNICATIONS concerning rules, procedures or practices for evaluating and/or adjudicating
24 PTSD claims.

25 **REQUEST FOR PRODUCTION NO. 4:**

26 The number of PTSD claims currently pending at each regional office of the VA, and the
27 number of days each claim has been pending starting from the original filing date.
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1 **REQUEST FOR PRODUCTION NO. 5:**

2 The number of SCDDC claims pending at each regional office of the VA, and the number of
3 days each claim has been pending starting from the original filing date.

4 **REQUEST FOR PRODUCTION NO. 6:**

5 Beginning with the filing of a Notice of Disagreement, the number of days each PTSD claim
6 appeal has been pending starting from the original filing date.

7 **REQUEST FOR PRODUCTION NO. 7:**

8 Beginning with the filing of a Notice of Disagreement, the number of days each SCDDC
9 claim has been pending at the BVA starting from the original filing date.

10 **REQUEST FOR PRODUCTION NO. 8:**

11 Beginning with the Notice of Appeal, the number of days each SCDDC appeal has been
12 pending starting from the original filing date.

13 **REQUEST FOR PRODUCTION NO. 9:**

14 Beginning with the Notice of Appeal, the number of days each PTSD appeal has been
15 pending starting from the original filing date.

16 **REQUEST FOR PRODUCTION NO. 10:**

17 The number of days required to adjudicate PTSD claims resolved at VA regional office and
18 average time of each between 2000 and present, beginning on the date of receipt of the claim.

19 **REQUEST FOR PRODUCTION NO. 11:**

20 The number of days required to adjudicate SCDDC claims resolved at VA regional office and
21 average time of each between 2000 and present, beginning on the date of receipt of the claim.

22 **REQUEST FOR PRODUCTION NO. 12:**

23 The number of days required to decide each resolved PTSD claim appeal, beginning on the
24 date of the Notice of Disagreement, and average time, between 2000 and present.

25 **REQUEST FOR PRODUCTION NO. 13:**

26 The number of days required to decide each resolved SCDDC claim appeal, beginning on the
27 date of the Notice of Disagreement, and average time, between 2000 and present.

1 **REQUEST FOR PRODUCTION NO. 14:**

2 The number of days required to resolve every PTSD claim appeal to the CAVC, beginning on
3 the filing of the Notice of Appeal, and average time between 2000 and present.

4 **REQUEST FOR PRODUCTION NO. 15:**

5 The number of days required to resolve every SCDDC claim appeal to the CAVC, beginning
6 on the filing of the Notice of Appeal, and average time between 2000 and present.

7 **REQUEST FOR PRODUCTION NO. 16:**

8 The average number of days for VA regional offices to complete action on remands of PTSD
9 claims from the BVA, and from the CAVC between 2000 and present.

10 **REQUEST FOR PRODUCTION NO. 17:**

11 The average number of days for VA regional offices to complete action on remands of
12 SCDDC claims from the BVA, and from the CAVC between 2000 and present.

13 **REQUEST FOR PRODUCTION NO. 18:**

14 Examples or incidents involving a failure or delay in providing medical diagnosis or treatment
15 to a veteran claiming he or she has PTSD, and all MEETINGS and COMMUNICATIONS
16 CONCERNING the same, including letters to and from elected officials, veterans service officers,
17 and the press.

18 **REQUEST FOR PRODUCTION NO. 19:**

19 COMMUNICATIONS between DEFENDANTS and the executive branch, including the
20 Office of the President of the United States, CONCERNING VA annual budgets and/or supplemental
21 appropriations between 2002 and present.

22 **REQUEST FOR PRODUCTION NO. 20:**

23 Policies, practices or procedures CONCERNING implementation of or compliance or
24 noncompliance with the two-year medical care statute identified in Paragraph 91 of the Complaint.

25 **REQUEST FOR PRODUCTION NO. 21:**

26 The grant rate for PTSD claims at the regional office level, BVA, CAVC, and/or Federal
27 Circuit between 2000 and present, with the date sorted by combined degree of disability (CDD) in
28 increments of 10 percent from 000 to 100.

1 **REQUEST FOR PRODUCTION NO. 22:**

2 Reports, papers, research and studies CONCERNING PTSD by the National Center for Post-
3 Traumatic Stress Disorder.

4 **REQUEST FOR PRODUCTION NO. 23:**

5 The filing and/or allegations contained in the Complaint herein, and any amended complaints,
6 if any.

7 **REQUEST FOR PRODUCTION NO. 24:**

8 The discharge of soldiers from the Iraq or Afghanistan theaters of combat based upon the
9 alleged existence of a personality disorder, and policies and procedures related to personality disorder
10 discharges ("PDDs"), and all MEETINGS and COMMUNICATIONS CONCERNING the same.

11 **REQUEST FOR PRODUCTION NO. 25:**

12 COMMUNICATIONS between Defendants and the Department of the Army or the
13 Department of Defense CONCERNING the subject of personality disorder discharges.

14 **REQUEST FOR PRODUCTION NO. 26:**

15 The VA's acceptance or non-acceptance of Personality Disorder Discharges from the military
16 branches for purposes of determining a veteran's or veterans' eligibility for medical care and/or
17 SCDDC for PTSD.

18 **REQUEST FOR PRODUCTION NO. 27:**

19 The diagnosis, epidemiology, assessment, treatment, co-morbidities, treatment outcomes,
20 and/or psychopharmacology of PTSD in general and/or as handled by the VA.

21 **REQUEST FOR PRODUCTION NO. 28:**

22 The two VA-10M contracts of PTSD.

23 **REQUEST FOR PRODUCTION NO. 29:**

24 Efforts or attempts by Defendants to have PTSD removed, changed, or reclassified as a
25 disorder under any edition of the DSM and/or in any other context.

26 **REQUEST FOR PRODUCTION NO. 30:**

27 The interpretation or application of regulations pertaining to personality disorder discharges,
28 including Army Regulation 635-200, Chapter 5-13 (Separation Because of Personality Disorder),

1 Navy Military Personnel Manual 1910-122, Marine Corps Separation and Retirement Manual
2 Chapter 6, Section 2, Subsection 6203, Air Force Regulation AFI 36-3208, or any similar DoD
3 regulations, including DoD Directive 133.2.14 (December 21, 1993).

4 **REQUEST FOR PRODUCTION NO. 31:**

5 The IDENTITY and claim files for all veterans with PTSD claims or symptoms who have
6 asserted that their consent to personality disorder discharges was not knowing or voluntary, and all
7 COMMUNICATIONS CONCERNING the same.

8 **REQUEST FOR PRODUCTION NO. 32:**

9 The complete claim files of the veterans listed on Attachment "A."

10 **REQUEST FOR PRODUCTION NO. 33:**

11 Diagnostic criteria for PTSD applied by the VA, and all changes since 2004.

12 **REQUEST FOR PRODUCTION NO. 34:**

13 Screening protocols or checklists for PTSD prepaid, received or used by the VA, and all
14 changes made since 2004.

15 **REQUEST FOR PRODUCTION NO. 35:**

16 Statistical data and reports concerning suicides or attempted suicides by veterans with PTSD
17 or other mental health disorders, the VA's policies or practices CONCERNING suicide or threatened
18 suicides, and all MEETINGS and COMMUNICATIONS CONCERNING the same.

19 **REQUEST FOR PRODUCTION NO. 36:**

20 Survey or statistical data or reports concerning unreported or under-reported cases of PTSD or
21 mental health disorders amongst veterans and the reasons or explanations for the same.

22 **REQUEST FOR PRODUCTION NO. 37:**

23 Congressional testimony by YOU concerning PTSD and drafts, reports, correspondence,
24 summaries, and comments CONCERNING the same.

25 **REQUEST FOR PRODUCTION NO. 38:**

26 The claim files and death certificates of all veterans who have attempted suicide or committed
27 suicide since January 1, 2000.

1 **REQUEST FOR PRODUCTION NO. 39:**

2 The availability or lack of availability of medical care and treatment for veterans with
3 symptoms of or a diagnosis of PTSD or other mental disorders at each VA outpatient clinic and
4 hospital.

5 **REQUEST FOR PRODUCTION NO. 40:**

6 Protocols and procedures for the exchange of information between the VBA and the VHA
7 CONCERNING veterans filing SCDDC claims based on PTSD, and all MEETINGS and
8 COMMUNICATIONS CONCERNING the same.

9 **REQUEST FOR PRODUCTION NO. 41:**

10 Assessments, audits, analyses, critiques or evaluations of the VHA's health care system for
11 PTSD and other mental health disorders.

12 **REQUEST FOR PRODUCTION NO. 42:**

13 The incidence and manifestations of PTSD or mental health disorders amongst members of
14 the Reserves called to active duty in Iraq or Afghanistan, including, without limitation, veterans'
15 under VA or private care, and YOUR tracking of medical problems experienced by members of the
16 Reserves who served in OEF/OIF.

17 **REQUEST FOR PRODUCTION NO. 43:**

18 The complete investigation and prosecution files regarding Lawrence Gottfried and Jill
19 Rygalski, as identified in Paragraphs 231 and 232 of the Complaint, and any other persons known or
20 suspected to have tampered with or destroyed any document or portion of a veteran's claim file.

21 **REQUEST FOR PRODUCTION NO. 44:**

22 The IDENTITY of all veterans whose claims were affected by the illegal actions of Lawrence
23 Gottfried or Jill Rygalski, as described in the Complaint, and the claim files of each.

24 **REQUEST FOR PRODUCTION NO. 45:**

25 The complete investigation files of the Department of Justice and the VA relating to Jill
26 Rygwalski and Lawrence Gottfried, and any similar investigations of other VA employees.

1 **REQUEST FOR PRODUCTION NO. 46:**

2 The complete investigation and prosecution files of all other VA employees known or
3 suspected to have tampered with or destroyed documents in VA claim files.

4 **REQUEST FOR PRODUCTION NO. 47:**

5 Regarding bonuses to management level VA employees, the bonus amounts, names of
6 recipients, dates of awards, supporting justifications of awards, and name of person who signed the
7 approval of award between 2002 and present.

8 **REQUEST FOR PRODUCTION NO. 48:**

9 The criteria for the award of incentive bonuses to VA employees and productivity or
10 performance goals, standards, data, and reports.

11 **REQUEST FOR PRODUCTION NO. 49:**

12 The minimum qualifications for each class or type of VA mental health specialist or
13 professional.

14 **REQUEST FOR PRODUCTION NO. 50:**

15 Errors or erroneous practices regarding the tracking or recording of dates CONCERNING
16 veteran health care appointments as shown in the Patient Appointment Information System, all
17 corrections made thereto, and MEETINGS and COMMUNICATIONS CONCERNING the same.

18 **REQUEST FOR PRODUCTION NO. 51:**

19 All data fields, definitions, and operational manuals CONCERNING databases used by the
20 VA relating to the adjudication of PTSD claims including, without limitation, any and all original
21 claims, appeals at regional offices, appeals at the BVA, appeals to the CAVC, and the delivery of
22 health care to veterans at VA hospitals or outpatient clinics.

23 **REQUEST FOR PRODUCTION NO. 52:**

24 All data fields, definitions, and operational manuals CONCERNING databases used by the
25 VA regarding the timing and disposition of veteran appeals by the BVA, including, without
26 limitation, the Veterans Appeals Control and Locator System.

1 **REQUEST FOR PRODUCTION NO. 53:**

2 Patterns or examples of abuse of the VA's record purpose disallowance procedure, and all
3 MEETINGS and COMMUNICATIONS CONCERNING the same.

4 **REQUEST FOR PRODUCTION NO. 54:**

5 Record purpose disallowances or any denial of a SCDDC claim based upon the claimant's
6 failure to provide information requested by the VA within a specified time period.

7 **REQUEST FOR PRODUCTION NO. 55:**

8 Studies, audits, or reports CONCERNING problems or issues associated with remands of
9 SCDDC claims by the BVA or CAVC, including, without limitation, delays or improper claim
10 development by VA regional offices, failing to address and correct continuing failures of the regional
11 offices to make the same or similar errors, and the issue of multiple remands respecting the same
12 claim or same veteran.

13 **REQUEST FOR PRODUCTION NO. 56:**

14 Allegations or evidence of retaliation against VA employees or witnesses, including, without
15 limitation, any release of information or speech activities CONCERNING the VA, medical care and
16 treatment for veterans or the adjudication of SCDDC claims.

17 **REQUEST FOR PRODUCTION NO. 57:**

18 The institution or conduct of special or supplemental reviews of SCDDC claims by the VA
19 Central Office, including reviews of approvals of grant or denial of service connection for PTSD or
20 TDIU, "second signature" requirements, or special review of prior grants of service connection, and
21 all MEETINGS and COMMUNICATIONS CONCERNING the same.

22 **REQUEST FOR PRODUCTION NO. 58:**

23 Document preservation instructions and measures based upon the filing of this action, any
24 reported violations of such instructions or measures, and all COMMUNICATIONS CONCERNING
25 the same.

26 **REQUEST FOR PRODUCTION NO. 59:**

27 Congressional inquiries regarding the care or treatment of SCDDC claims of veterans with
28 PTSD or mental health disorders and all responses to the same.

1 **REQUEST FOR PRODUCTION NO. 60:**

2 Any analysis of possible measures to reduce VA budget outlays for SCDDC and/or mental
3 health care, including re-review of previously granted SCDDC or PTSD claims, and changes in
4 eligibility, substantive requirements or rating criteria.

5 **REQUEST FOR PRODUCTION NO. 61:**

6 Instances of alleged or confirmed misconduct or improper actions by a VA employee,
7 regarding productivity, production or timeliness respecting a veteran or a veteran's claim, including,
8 without limitation, dismissals or disciplinary action taken.

9 **REQUEST FOR PRODUCTION NO. 62:**

10 Disputes between any Union and the VA concerning alleged misconduct regarding the
11 productivity, production and timeliness of VA employees.

12 **REQUEST FOR PRODUCTION NO. 63:**

13 Changes or proposed changes in the requirements or rules for attorneys or agents to practice
14 before the VA, BVA or CAVC, and all MEETINGS and COMMUNICATIONS CONCERNING the
15 same.

16 **REQUEST FOR PRODUCTION NO. 64:**

17 The VA's investigation and actions taken in response to claims of malpractice or other
18 veterans' complaints about service officers or representatives.

19 **REQUEST FOR PRODUCTION NO. 65:**

20 The VA's central office's supervision, statistical analysis of, or monitoring of grants of
21 service connection for PTSD and appeals of PTSD grant decision or requests for increased ratings at
22 its regional offices and all actions taken with respect to regional offices exhibiting higher than
23 average grant rates or any perceived statistical abnormalities.

24 **REQUEST FOR PRODUCTION NO. 66:**

25 The substantive content of application and problems experienced with the Clinician's Guide
26 provisions regarding PTSD, including, without limitation, Chapter 14 regarding PTSD.

1 **REQUEST FOR PRODUCTION NO. 67:**

2 The production or productivity standards, goals, or requirements for personnel involved in
3 deciding SCDDC claims at regional offices and at the BVA, and for employees assigned to provide
4 health care for veterans and all MEETINGS and COMMUNICATIONS CONCERNING the same.

5 **REQUEST FOR PRODUCTION NO. 68:**

6 Studies, reports, analyses, or predictions of the number and percentages of existing and future
7 veterans from OEF/OIF likely to file SCDDC and or PTSD claims.

8 **REQUEST FOR PRODUCTION NO. 69:**

9 Studies, reports, analyses or predictions of the numbers and percentages of veterans from
10 OEF/OIF likely to seek health care for PTSD or other mental health disorders.

11 **REQUEST FOR PRODUCTION NO. 70:**

12 The adequacy of past, present and future staffing levels at the DVB and VHA to handle
13 anticipated numbers of returned or returning OEF/OIF veterans, and all MEETINGS and
14 COMMUNICATIONS CONCERNING the same.

15 **REQUEST FOR PRODUCTION NO. 71:**

16 Reports, studies, information and examples of the issuance of less than honorable discharges
17 to soldiers exhibiting symptoms of PTSD or mental health disorders by the armed services, and/or
18 their eligibility for SCDDC and VA medical care.

19 **REQUEST FOR PRODUCTION NO. 72:**

20 Any link between PTSD and violent or illegal behavior or conduct by soldiers, including
21 reports, studies, information and examples.

22 **REQUEST FOR PRODUCTION NO. 73:**

23 Data CONCERNING the incidence of, estimates, projections or instances of suicides and
24 attempted suicides amongst OIF/OEF veterans.

25 **REQUEST FOR PRODUCTION NO. 74:**

26 MEETINGS and COMMUNICATIONS within the VA or between the VA and any third
27 party CONCERNING the June 2007 Report of the Department of Defense Task Force on Mental
28 Health.

1 **REQUEST FOR PRODUCTION NO. 75:**

2 The DOLE/SHALALA REPORT, and all MEETINGS and COMMUNICATIONS
3 CONCERNING the same.

4 **REQUEST FOR PRODUCTION NO. 76:**

5 Those DOCUMENTS that mention Plaintiffs or Plaintiffs' Counsel.

6 **REQUEST FOR PRODUCTION NO. 77:**

7 The DoD Task Force On Mental Health dated June 2007, and all COMMUNICATIONS and
8 MEETINGS CONCERNING the same.

9 **REQUEST FOR PRODUCTION NO. 78:**

10 Reports I, II, III and IV of the Mental Health Advisory Team (MHAT) for OEF and/or OIF by
11 the office of the Surgeon General and all COMMUNICATIONS CONCERNING the same.

12 **REQUEST FOR PRODUCTION NO. 79:**

13 COMMUNICATIONS and MEETINGS between the Defendants and the Department of
14 Medicine CONCERNING PTSD or its medical definition, symptoms, rating, diagnosis, or treatment.

15 **REQUEST FOR PRODUCTION NO. 80:**

16 Plans or proposals to privatize medical care for veterans in general or for PTSD and/or mental
17 health disorders, and all COMMUNICATIONS CONCERNING the same.

18 **REQUEST FOR PRODUCTION NO. 81:**

19 COMMUNICATIONS and MEETINGS of the VA's Seamless Transition Task Force also
20 known as Task Force on Seamless Transition, as well as minutes, reports, surveys, recommendations,
21 opinions, projects and working files, and all MEETINGS and COMMUNICATIONS
22 CONCERNING the same.

23 **REQUEST FOR PRODUCTION NO. 82:**

24 COMMUNICATIONS and MEETINGS between the Defendants and the Congress, other
25 members of the Bush Administration and/or the VAIG CONCERNING actual or predicted budget
26 deficits and/or supplemental appropriations for FY 2005, FY 2006, or FY 2007.

1 **REQUEST FOR PRODUCTION NO. 83:**

2 Consultant or third-party studies, evaluations or reports CONCERNING mental health
3 services for veterans, including, but not limited to, services for PTSD, current patient load, claim load
4 and costs, as well as projected patient load, claim load and costs, and all MEETINGS and
5 COMMUNICATIONS CONCERNING the same.

6 **REQUEST FOR PRODUCTION NO. 84:**

7 COMMUNICATIONS and MEETINGS between DEFENDANTS and Altarum Institute of
8 Ann Arbor, Michigan CONCERNING mental health services for veterans.

9 **REQUEST FOR PRODUCTION NO. 85:**

10 PTSD studies and evaluations of PTSD regulations conducted by the Institute of Medicine
11 and all COMMUNICATIONS and MEETINGS regarding the same.

12 **REQUEST FOR PRODUCTION NO. 86:**

13 Rules, practices, regulations, or guidelines CONCERNING how the VA addresses conflicting
14 diagnoses or opinions between doctors or medical personnel employed by the VBA and the VHA
15 regarding a diagnosis of a mental disorder, including PTSD, and MEETINGS and
16 COMMUNICATIONS CONCERNING the same.

17 **REQUEST FOR PRODUCTION NO. 87:**

18 COMMUNICATIONS and MEETINGS between Defendants and the Veterans Disability
19 Benefits Commission CONCERNING SCDDC, medical care for veterans, PTSD or the content of
20 the Commission's Reports.

21 **REQUEST FOR PRODUCTION NO. 88:**

22 The Veterans Disability Benefits Commission Report entitled "Honoring the Call to Duty,"
23 and all COMMUNICATIONS CONCERNING the report and/or its recommendations.

24 **REQUEST FOR PRODUCTION NO. 89:**

25 COMMUNICATIONS and MEETINGS CONCERNING the following GAO reports:
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GAO REPORT #	DATE
GAO-02-806	August 2, 2002
GAO-05-125	February 2005
GAO-05-287	February 2005
GAO-05-160	March 2005
GAO-05-444T	March 17, 2005
GAO-05-1052T	September 28, 2005
GAO-06-207T	October 27, 2005
GAO-06-149	December 9, 2005
GAO-06-362	March 31, 2006
GAO-06-397	May 2006
GAO-06-794R	June 30, 2006
GAO-06-119T	September 28, 2006
GAO-07-66	November 2006
GAO-07-98	December 2006
GAO-07-410R	May 16, 2007
GAO-07-906R	May 25, 2007
GAO-07-985T	June 12, 2007
Testimony (DoD and VA Observations on Efforts to Improve Health Care and Disability Evaluations for Returning Servicemembers)	September 26, 2007

REQUEST FOR PRODUCTION NO. 90:

COMMUNICATIONS and MEETINGS CONCERNING the following VA Inspector General reports:

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OIG REPORT #	DATE
Rpt. #01-02124-71	March 21, 2002
Rpt. # 04-02499-63	January 6, 2005
Rpt. # 04-02974-90	February 25, 2005
Rpt. # 04-03359-105	March 16, 2005
VAOIG Semiannual Report to Congress	April 1, 2005-September 30, 2005
Rpt. # 05-00765-137	May 19, 2005
Rpt. # 05-00839-156	June 24, 2005
Rpt. # 05-01226-211	September 29, 2005
Rpt. # 05-02531-18	November 3, 2005
Rpt. # 05-01838-41	December 8, 2005
Rpt. # 06-00012-49	January 5, 2006 VA
Rpt. # 05-02926-64	January 30, 2006
Rpt. # 05-00734-67	January 31, 2006
Rpt. # 05-01229-71	February 2, 2006
Rpt. #05-03053-77	February 3, 2006
Rpt. # 05-01514-96	March 3, 2006
Rpt. # 05-03219-103	March 14, 2006
VAOIG Semiannual Report to Congress	April 1, 2006-September 30, 2006
Rpt. # 06-00511-131	April 17, 2006
Rpt. # 05-03096-137	May 2, 2006
Rpt. #05-01818-165	July 12, 2006
Rpt. # 05-03281-168	July 17, 2006
Rpt. # 06-00741-173	July 21, 2006
Rpt. # 05-01232-174	July 24, 2006

OIG REPORT #	DATE
Rpt. #05-3571-187	August 11, 2006
Rpt. # 06-01706-209	September 14, 2006
Rpt. # 06-00008-237	September 29, 2006
Rpt. # 06-03479-07	October 19, 2006
Rpt. # 06-01721-32	November 27, 2006
Rpt. # 07-00641-40	December 6, 2006
Rpt. # 06-01133-39	December 8, 2006
Rpt. # 06-02822-45	December 15, 2006
Rpt. # 07-00157-97	March 14, 2007
Rpt. # 07-01349-127	May 10, 2007
Rpt. # 07-00616-199	September 10, 2007
Rpt. #07-00616-199	September 10, 2007

REQUEST FOR PRODUCTION NO. 91:

The interpretation and application of the Medical Care Statute as defined in Paragraph 91 of the Complaint, and procedures, policies, guidelines and MEETINGS CONCERNING the same.

REQUEST FOR PRODUCTION NO. 92:

Record retrieval problems and delays relating to the DVA's request of records from the U.S. Army and Joint Services Records Research Center and other federal agencies or sources in connection with SCDDC or PTSD claims.

REQUEST FOR PRODUCTION NO. 93:

The standards, requirements and time frame for the conduct of a Compensation and Pension examination, as described in paragraphs 98-99 of the Complaint.

1 **REQUEST FOR PRODUCTION NO. 94:**

2 The organizational tree or structure of the DVA, including the DVB, NCA (National
3 Cemetery Association), Readjustment Counseling Services, VBA, BVA, each outpatient clinic or
4 hospital, and the IDENTITY of each person holding each position.

5 **REQUEST FOR PRODUCTION NO. 95:**

6 Shortcomings, deficiencies, problems, or comments CONCERNING the Rating Guide and/or
7 its application to PTSD claims, and all MEETINGS and COMMUNICATIONS CONCERNING the
8 same.

9 **REQUEST FOR PRODUCTION NO. 96:**

10 The number of appeals, and percentage of claimants seeking a hearing at each stage of the
11 Complete Claim Cycle Period, as defined in the Complaint, starting with the Regional Office.

12 **REQUEST FOR PRODUCTION NO. 97:**

13 The number and percentage of SCDDC and PTSD claims remanded by the BVA and CAVC
14 between 2000 and present.

15 **REQUEST FOR PRODUCTION NO. 98:**

16 The number and content of subpoenas and/or subpoenas *duces tecum* issued by the VA, and
17 the percentage of claims where subpoenas were issued between 2000 and present.

18 **REQUEST FOR PRODUCTION NO. 99:**

19 Audit reports for each regional office, outpatient clinic and hospital, and MEETINGS and
20 COMMUNICATIONS CONCERNING the same.

21 **REQUEST FOR PRODUCTION NO. 100:**

22 COMMUNICATIONS and MEETINGS between Defendants and staff or members of the
23 House or Senate Veterans Affairs Committees CONCERNING PTSD, SCDDC, the rating guide,
24 health care for veterans, personality disorder discharges, suicide, and/or adjudication or health care
25 system delay.

1 **REQUEST FOR PRODUCTION NO. 101:**

2 Instances in which Defendants failed to spend funds appropriated by Congress for mental
3 health care and services or medical care for veterans, including, without limitation, the dates,
4 amounts, and totals.

5 **REQUEST FOR PRODUCTION NO. 102:**

6 Suicide prevention, detection, screening, and/or treatment programs administered by YOU or
7 under contract with YOU.

8 **REQUEST FOR PRODUCTION NO. 103:**

9 The military records and VA claim files of all veterans known by you to have committed
10 suicide, including, but not limited to any of the veterans listed on Attachment "A" whose names are
11 followed by an asterisk.

12 **REQUEST FOR PRODUCTION NO. 104:**

13 The military service and medical records of all military personnel who received personality
14 disorder discharges between January 1, 2000 and present.

15 **REQUEST FOR PRODUCTION NO. 105:**

16 Studies, analyses, or discussion of the effect of any VA strategic, program, or policy decisions
17 or alternatives upon the VA budget, and all MEETINGS and COMMUNICATIONS CONCERNING
18 the same.

19 **REQUEST FOR PRODUCTION NO. 106:**

20 The VA's Monthly Performance Reviews from January 1, 2002 to the present.

21 **REQUEST FOR PRODUCTION NO. 107:**

22 Projections, estimates, scenarios, or discussions of the expected changes in the veteran
23 population as a result of OEF/OIF, including, without limitation, projected impacts upon the VA
24 budget, adjudication system, and health care delivery system, and all MEETINGS and
25 COMMUNICATIONS CONCERNING the same.

1 **REQUEST FOR PRODUCTION NO. 108:**

2 Past, present and future staffing and hiring plans for mental health services for veterans,
3 including, without limitation, VA regional offices, VA medical centers and outpatient clinics, and
4 unfilled positions and all MEETINGS and COMMUNICATIONS CONCERNING the same.

5 **REQUEST FOR PRODUCTION NO. 109:**

6 Time frames and/or delays for obtaining stressor verification information regarding PTSD
7 claims such as deck logs from the Naval Historical Society or military records from the Armed
8 Services or other repositories.

9 **REQUEST FOR PRODUCTION NO. 110:**

10 DOCUMENTS that mention any of the authorities in the Appendix to the Complaint. *See*
11 Complaint pp. 70-73.

12 **REQUEST FOR PRODUCTION NO. 111:**

13 DOCUMENTS received by or authored by David Chu, Under Secretary for Personnel and
14 Readiness, U.S. Department of Defense, respecting any proposed reduction of veterans' and retirees'
15 benefits and/or increases in weapon programs, and all MEETINGS and COMMUNICATIONS
16 CONCERNING the same.

17 **REQUEST FOR PRODUCTION NO. 112:**

18 Names and the IDENTITY of all Iraq and Afghanistan veterans as maintained as part of the
19 Gulf War Master Record.

20 **REQUEST FOR PRODUCTION NO. 113:**

21 The lists, compilations, printouts, or files showing the IDENTITY of Iraq and Afghanistan
22 war veterans as compiled by the DoD and/or VA between 2000 and present.

23 **REQUEST FOR PRODUCTION NO. 114:**

24 Death certificates for all deceased Iraq and Afghanistan veterans whose cause of death or
25 contributory cause of death is listed as suicide.

26 **REQUEST FOR PRODUCTION NO. 115:**

27 Copies of all death certificates for veterans, as shown in dependency and indemnity
28 compensation portion of the CPMR (the Compensation and Pension Service Master Record),

1 including, without limitation, active and terminated records, where such certificates show suicide or
2 possible suicide as a cause or contributing cause of death.

3 **REQUEST FOR PRODUCTION NO. 116:**

4 Projections prepared by Price Waterhouse Coopers, YOUR budget staff, or other contractors
5 CONCERNING the past, present and/or future number, type, diagnosis, and expenditures associated
6 with OIF and OEF and SCDDC and/or PTSD claims.

7 **REQUEST FOR PRODUCTION NO. 117:**

8 Data and information concerning PTSD claims and/or claimants or recipients as stored in the
9 VETSNET computer system.

10 **REQUEST FOR PRODUCTION NO. 118:**

11 The IDENTITY of all active service members from OIF/OEF that have committed suicide.

12 **REQUEST FOR PRODUCTION NO. 119:**

13 A list of all active armed services suicides and computer printouts showing the IDENTITY of
14 soldiers serving in Iraq and/or Afghanistan and a list of servicemembers or survivors receiving
15 Service Member Group Life Insurance.

16 **REQUEST FOR PRODUCTION NO. 120:**

17 Surveys, data, studies, compilations, or analyses of information CONCERNING mental
18 health problems or disorders amongst OIF and OEF veterans or soldiers.

19 **REQUEST FOR PRODUCTION NO. 121:**

20 VA Monthly Performance Reviews prepared by the Office of Performance Analysis and
21 Integrity between 2000 and present.

22 **REQUEST FOR PRODUCTION NO. 122:**

23 Minutes, summaries, memoranda, and videotapes of regional office director MEETINGS and
24 teleconferences, and/or the Office of Field Operations.

25 **REQUEST FOR PRODUCTION NO. 123:**

26 COMMUNICATIONS and MEETINGS CONCERNING the August 21, 2007 Litigation
27 Hold Memo, including, without limitation, e-mails or other COMMUNICATIONS sent to Michael
28

1 G. Daugherty or Christopher McNamee regarding good faith cost estimates and other information
2 and responses thereto.

3 **REQUEST FOR PRODUCTION NO. 124:**

4 Allegations, statements, reports, charges or discussions of whether or not the VA applies or
5 has claim processing quotas for adjudication personnel or quotas or other limitations upon the grant
6 of SCDDC for PTSD or other disabilities or conditions.

7 **REQUEST FOR PRODUCTION NO. 125:**

8 Reports, drafts, correspondence, analyses and other COMMUNICATIONS CONCERNING
9 studies prepared by the Institute for Defense Analyses and/or David Hunter or VA disability or
10 SCDDC payments, and all MEETINGS and COMMUNICATIONS CONCERNING the same.

11 **REQUEST FOR PRODUCTION NO. 126:**

12 The working files and computer files, including, without limitation, e-mails of all witnesses
13 listed in the Initial Disclosures of any parties who are or become the subject of deposition notices
14 and/or subpoenas in this action.

15 **REQUEST FOR PRODUCTION NO. 127:**

16 The success rates for VA claims and appeals to the BVA, CAVC, and/or Federal Circuit for
17 claimants representing themselves compared to claimants represented by veterans service officers,
18 agents, and attorneys.

19 **REQUEST FOR PRODUCTION NO. 128:**

20 Those documents identified in Section B of your initial disclosures dated October 18, 2007.

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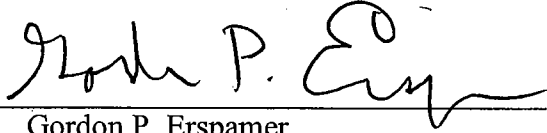
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1 **REQUEST FOR PRODUCTION NO. 129:**

2 Those documents responsive to these requests that are maintained in the personal or working
3 files of each witness listed on Defendants Initial Disclosures dated October 18, 2007.

4 Dated: October 19, 2007

GORDON P. ERSPAMER
ARTURO J. GONZALEZ
HEATHER A. MOSER
BILL D. JANICKI
STACEY M. SPRENKEL
MORRISON & FOERSTER LLP

8 By: 
9 Gordon P. Erspamer

10 Attorneys for Plaintiffs

1 **CERTIFICATE OF SERVICE**

2 I declare that I am employed with the law firm of Morrison & Foerster LLP, whose address is
3 101 Ygnacio Valley Road, Suite 450, California 94596. I am not a party to the within cause, and I
am over the age of eighteen years.

4 I further declare that on the date hereof, I served a copy of:

5 **VETERANS FOR COMMON SENSE AND VETERANS UNITED FOR TRUTH, INC.'S**
6 **FIRST AMENDED FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS**
TO ALL DEFENDANTS

- 7 BY FACSIMILE [Code Civ. Proc sec. 1013(e)] by sending a true copy from
8 Morrison & Foerster LLP's facsimile transmission telephone number (925) 946-
9 9912 to the fax number(s) set forth below, or as stated on the attached service list.
The transmission was reported as complete and without error. The transmission
report was properly issued by the transmitting facsimile machine.

10 I am readily familiar with Morrison & Foerster LLP's practice for sending facsimile
11 transmissions, and know that in the ordinary course of Morrison & Foerster LLP's
12 business practice the document(s) described above will be transmitted by
facsimile on the same date that it (they) is (are) placed at Morrison & Foerster LLP
for transmission.

- 13 BY U.S. MAIL [Code Civ. Proc sec. 1013(a)] by placing a true copy thereof
14 enclosed in a sealed envelope with postage thereon fully prepaid, addressed as
15 follows, for collection and mailing at Morrison & Foerster LLP, 101 Ygnacio
16 Valley Road, Walnut Creek, California 94596-8130 in accordance with
17 Morrison & Foerster LLP's ordinary business practices. I am readily familiar with
18 Morrison & Foerster LLP's practice for collection and processing of
correspondence for mailing with the United States Postal Service, and know that
in the ordinary course of Morrison & Foerster LLP's business practice the
document(s) described above will be deposited with the United States Postal
Service on the same date that it (they) is (are) placed at Morrison & Foerster LLP
with postage thereon fully prepaid for collection and mailing.

- 19 BY OVERNIGHT DELIVERY [Code Civ. Proc sec. 1013(d)] by placing a true
20 copy thereof enclosed in a sealed envelope with delivery fees provided for,
21 addressed as follows, for collection by UPS, at 101 Ygnacio Valley Road, Walnut
22 Creek, California 94596-8130 in accordance with Morrison & Foerster LLP's
23 ordinary business practices.

24 I am readily familiar with Morrison & Foerster LLP's practice for collection and
25 processing of correspondence for overnight delivery and know that in the
26 ordinary course of Morrison & Foerster LLP's business practice the document(s)
27 described above will be deposited in a box or other facility regularly maintained
28 by UPS or delivered to an authorized courier or driver authorized by UPS to
receive documents on the same date that it (they) is (are) placed at Morrison &
Foerster LLP for collection.

- BY PERSONAL SERVICE [Code Civ. Proc sec. 1011] by placing a true copy
thereof enclosed in a sealed envelope addressed as follows for collection and
delivery at the mailroom of Morrison & Foerster LLP, causing personal delivery of
the document(s) listed above to the person(s) at the address(es) set forth below.

I am readily familiar with Morrison & Foerster LLP's practice for the collection
and processing of documents for hand delivery and know that in the ordinary

1 course of Morrison & Foerster LLP's business practice the document(s) described
2 above will be taken from Morrison & Foerster LLP's mailroom and hand delivered
3 to the document's addressee (or left with an employee or person in charge of the
4 addressee's office) on the same date that it is placed at Morrison & Foerster LLP's
5 mailroom.

6 Please note: If you check this box, you must follow up the next business day with
7 an amended proof containing the name and signature of the person actually
8 effecting service. This amended proof must be filed with the court.

- 9 BY ELECTRONIC SERVICE [Code Civ. Proc sec. 1010.6] by electronically
10 mailing a true and correct copy through Morrison & Foerster LLP's electronic mail
11 system to the e-mail address(s) set forth below, or as stated on the attached
12 service list per agreement in accordance with Code of Civil Procedure section
13 1010.6.

14 **Steven Y. Bressler, Esq.**
15 **Trial Attorney, Civil Division, Federal Programs Branch**
16 **United States Department of Justice**
17 **P.O. Box 883**
18 **Washington, DC 20044**

19 Executed at Walnut Creek, California, this 19th day of October.

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Jill Haskins

ATTACHMENT A

ATTACHMENT A

Please Note: The asterisk (“*”) symbol, as applied below, indicates the individual has committed suicide.

Fname	Lname	City	State
David	Adams	near Chicago	IL
Susan	Avila-Smith		
Justin	Bailey*	Los Angeles	CA
Chris	Bain		
Fred	Ball	Camp Pendleton	CA
Debra	Banaszak*	Iraq	
Douglas	Barber*		AL
Sargent	Binkley	Los Altos	CA
Jesus	Bocanegra	McAllen	TX
Jerry	Boler	Caledonia	MI
Howard	Books	Stacy	MN
Zachary	Bowen*	New Orleans	
Timothy	Bowman*		IL
Edward	Brabazon*	Iraq	
Michael	Bramer*		NC
Greg	Braun*		WI
Jeffrey	Braun*	Iraq	
Kate	Bulson	Muskegon	MI
Charles	Call*		WV
Dominic	Campisi*		PA
Keri	Christensen	near Denver	CO
Don	Clinger	Jacksonville	NC
James Curtis	Coon*	Walter Reed	
John	Cooney	Jacksonville	NC
Jason	Cooper*	Des Moines	IA
Richard	Corcoran*	Fort Bragg	
Justin	Covert*	Butler Township	OH
Darryl	Coyes	Mesa	AZ
Jeans	Cruz	Bronyes	NY
Chris	Dana*	Montana	
Gloria	Davis*		
Robert	Decouteaux*		NY
Brock	Delcambre*	New Iberia	LA
Ken	Dennis*	Renton	WA
Zack	Dick	Somerset	KY
Michael	Dickey*		
James	Dinella	near Chicago	IL

ATTACHMENT A

Please Note: The asterisk (“*”) symbol, as applied below, indicates the individual has committed suicide.

Fname	Lname	City	State
Josh	Dobbelstein	near Chicago	IL
Mark Stephen	Dobson*	Iraq	
Kevin	Elmer*	Lafayette	LA
David	Fickel*		MN
John R.	Fish*	Paso Robles	CA
Brandon	Floyd*	Fort Bragg	
Chris	Forcum*		OR
John	Frasso*	Nescopeck	PA
Brandon	Floyd	Fort Bragg	
Chris	Forcum		OR
Keli	Frasier	Clifton	CO
Leslie	Frederick*	Tacoma	
Brian	Frost*	Torrington	CT
Christopher	Gearhart	Cape Coral	FL
Mary	Gentile*	Lacey	WA
Ann	Gholz	Vancouver	WA
Michael	Gold	Barrington	VT
Julian	Goodrum	Knoyesville	TN
Michael	Goss	Corpus Christi	TX
Curtis	Greene*	Fort Riley	
Eric Ryan	Grossman*		CA
David	Guindon*	Manchester	NH
Marshall	Gutierrez*		
Robert	Guy*	Iraq	
Byron	Hancock	Bryan	TX
Jason	Harvey		
Kyle	Hemauer*	Afghanistan	
Derek	Henderson*	Louisville	KY
Jeffrey	Henthorn*	Iraq	
Frank	Herrman	Chestnut Ridge	NY
William	Howell*		CO
Kristiaan	Hughes	Fort Knoyes	KY
Robert	Hunt*	Houston	
Rebecca	Jarabek*	Youngstown	OH
James	Jenkins*	San Diego	
Adam	Kelly*	Las Vegas	NV
Bill	Keyes	Albany	NY
Denise	Lannaman*	Queens	NY

ATTACHMENT A

Please Note: The asterisk (“*”) symbol, as applied below, indicates the individual has committed suicide.

Fname	Lname	City	State
Josh	Lansdale	Kansas City	MO
Ryan	LeCompte	Lower Brule	SD
Samuel	Lee*	Iraq	
Jeffrey	Lehner*		CA
Steven Michael	Logan*		DE
Aleyes	Lotero	Miami	FL
Jeffrey	Lucey*	Belcher	MA
Jacob	Martin		
Kevin	McCarty*		
Andre	McDaniel*	Colorado Springs	CO
Brian	McKeehan*	Fort Eustis	
James	Melchor*	Portsmouth	VA
Brent	Messick	Salt Lake	UT
Dylan	Meyer*	Augusta	GA
Linda	Michel*	[near Albany]	NY
Chad	Miller		
Eric	Miller	Lancaster	SC
James Blake	Miller	Pike County	KY
John	Miner		VT
Willy James	Moore*	Pascagoula	MI
Nicholas	Morin	Temecula	CA
Tom	Nevins	Ahwatukee Foothills	AZ
Bill	Nichols	Jacksonville	NC
Rigoberto	Nieves*	Fort Bragg	
Joshua	Omvig*	Grundy Center	IA
Walter	Padilla*	Colorado Springs	CO
Mike	Parker		
David	Payne*	Norman	OK
Michael	Pelkey*	Fort Sill	OK
Abbie	Pickett		WI
Noah Charles	Pierce*		
Javier	Pina	Linden	CA
Deyester	Pitts	Louisville	KY
Georg-Andreas	Pogany		
David	Potter*	Iraq	NCW
William Neal	Price*	Ogden [Ft. Riley]	KS

ATTACHMENT A

Please Note: The asterisk (“*”) symbol, as applied below, indicates the individual has committed suicide.

Fname	Lname	City	State
Tina	Priest*	Iraq	
Bernardo	Ratliff*	Columbus	OH
Brandon	Ratliff	Columbus	OH
Brian Jason	Rand*	Jacksonville	NC
Andres	Raya*		CA
Saxxon	Rech*	Lynden	WA
Jessica	Rich*		CO
Adrian	Richard		LA
Benny	Riggins*		
Sean	Rodriguez-Street	Camp Pendleton	CA
John	Ruocco*	Camp Pendleton	CA
O.J. John B.	Santa Maria	Daly City	CA
Rob	Sarra		
Mike	Saye	Mesa	AZ
Gary	Scaggs	Louisville	KY
Jason	Scheuerman*		
Jacob	Schick	Gretna	LA
Donald Louis	Schmidt	Chillicothe	Ill.
Jonathon	Schulze*		MN
Jeremy	Seeley*		KY
Stephen	Sherwood*	Fort Collins	CO
Stephen	Sirko*		
Jeffrey	Sloss*		SC
Corey	Small*	Iraq	
Richard	Smith	Tehachapi	CA
Walter	Smith	Tooele	UT
Alexis	Soto-Ramirez*	Walter Reed	
Thomas	Stroh*	Fort Lewis	WA
Joseph	Suell*	Iraq	
Suzanne	Swift	Fort Lewis	WA
Paul	Thurman		
Michael	Torok*		IL
Jon	Town	Findlay	OH
Richard	Tugwell	Hampton	VA
Andrew	Velez*	Afghanistan	
Travis	Virgadamo*	Las Vegas	NV
Kenneth	Wagner	Highland Springs	VA

ATTACHMENT A

Please Note: The asterisk (“*”) symbol, as applied below, indicates the individual has committed suicide.

Fname	Lname	City	State
Allen	Walsh	Tucson	AZ
Mark	Warren*	Iraq	
William Ellery	Weiss*	San Diego	CA
Colonel Ted	Westhusing*	Biap	Iraq
Boyd	Wicks, Jr.*	Wilmington	DE
Kyle	Williams*		AZ
Jeremy	Wilson*	[Fort Carson]	CO
Crystal	Witte	Florence	CO
Donald Wade	Woodward*	Lancaster	PA