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| 14 | UNITED STATES DIS | STRICT COURT |
| 15 | NORTHERN DISTRICT | OF CALIFORNIA |
| 16 | SAN FRANCISCO | |
| 17 18 | VETERANS FOR COMMON SENSE, and VETERANS UNITED FOR TRUTH, INC., | Case No. C-07-3758-SC |
| 19 | Plaintiffs, | CLASS ACTION |
| 20 | V. | DECLARATION OF STACEY M. SPRENKEL IN SUPPORT OF |
| 21 | JAMES B. PEAKE, M.D., Secretary of Veterans Affairs, et al., | PLAINTIFFS'MOTION FOR PRELIMINARY INJUNCTION REPLY |
| 22 23 | Defendants. | (Fed. R. Civ. P. 65(a); Civil L.R. 65-2) |
| 24 | | Date: March 7, 2008 Time: 10:00 a.m. |
| 25 | | Ctrm: 1, 17th Floor |
| 26 | | Complaint Filed July 23, 2007 |
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| | SPRENKEL DECL. IN SUPP. OF PLS.' MOT. FOR PRELIM. INJ. REPLY sf-2462606 | — CASE INU. C-U/-5/38-SC |

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SPRENKEL DECL. IN SUPP. OF PLS.' MOT. FOR PRELIM. INJ. REPLY — CASE NO. C-07-3758-SC

sf-2462606

DECLARATION OF STACEY M. SPRENKEL

I, Stacey M. Sprenkel, declare as follows:

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- 1. I am an attorney licensed to practice law in the State of California and am admitted to practice before this Court. I am an associate at the law firm of Morrison & Foerster LLP, counsel for Plaintiffs VETERANS FOR COMMON SENSE and VETERANS UNITED FOR TRUTH, INC. I make this declaration in support of Plaintiffs' Reply in Support of Preliminary Injunction, filed herewith. I have personal knowledge of the matters set forth herein and could and would competently testify thereto if called as a witness in this matter.
- 2. Attached as Exhibit A is a true and correct copy of Department of Veterans Affairs, Office of Inspector General Report No. 04-03100-90 (Feb. 26, 2007), Review of VA Central Incident Response Capability Contract Planning, Award and Administration.
- 3. Attached as Exhibit B is a true and correct copy of excerpts of U.S. House of Representatives Report No. 105-626, 105th Congress, 2d Session (July 15, 1998).
- 4. Attached as Exhibit C is a true and correct copy of excerpts of U.S. House of Representatives, Subcommittee on Health, Committee on Veterans' Affairs Transcript, Hearing on War-Related Illnesses and on the VA's Sexual Trauma Counseling Program, 105th Cong. (Apr. 23, 1998), available at: http://commdocs.house.gov/committees/vets/hvr042398.000/hvr042398_0HTM.
- 5. Attached as Exhibit D is a true and correct copy of the Committee on Veterans' Affairs, U.S. Senate Report No. 100-418, 100th Congress, Second Session (1988), Veterans' Administration Adjudication Procedure and Judicial Review Act.
- 6. Attached as Exhibit E is a true and correct copy of excerpts of U.S. House of Representatives Enrolled Bill 4986, 110th Congress, Second Session, enacted January 28, 2008.
- 7. Attached as Exhibit F is a true and correct copy of excerpts of Committee on Veterans' Affairs, U.S. Senate, Hearing on Pending Health Care Legislation, 110th Cong., First Session (May 23, 2007).
- 8. The following documents are admissions by Defendant Department of Veterans' Affairs ("VA"), a party to this case. Admissions by a party-opponent are admissible non-hearsay under Federal Rule of Evidence 801(d)(2).

| 1 | 9. Attached as Exhibit G is a true and correct copy of <i>Disability Claim Surge Strains Va</i> | | |
|----|---|--|--|
| 2 | Associated Press (Sept. 19, 2007), available at: | | |
| 3 | http://www.military.com/NewsContent/0,13319,149682,00.html?ESRC=topstories.RSS. | | |
| 4 | 10. Attached as Exhibit H is a true and correct copy of U.S. Department of Veterans | | |
| 5 | Affairs, Information for Veterans Who Served in Iraq and Afghanistan and Their Families, Iraqi | | |
| 6 | Freedom Review, Vol. 5, No. 1 (Oct. 2007) available at: | | |
| 7 | http://www1.va.gov/environagents/docs/OIF_OEF_Review_Oct_2007.pdf. | | |
| 8 | 11. Attached as Exhibit I is a true and correct copy of excerpts of the U.S. House of | | |
| 9 | Representatives Committee on Veterans' Affairs Hearing, Stopping Suicides: Mental Health | | |
| 10 | Challenges Within the U.S. Department of Veterans Affairs: Hearing Before the U.S. House | | |
| 11 | Committee on Veterans' Affairs, 110th Cong., (Dec. 12, 2007), Statement of Ira Katz, M.D., Ph.D., | | |
| 12 | Deputy Chief Patient Care Services Officer for Mental Health, Department of Veterans Affairs, | | |
| 13 | available at: http://veterans.house.gov/hearings/Testimony.aspx?TID=11145. | | |
| 14 | 12. Attached as Exhibit J is a true and correct copy of Department of Veterans Affairs | | |
| 15 | Office O Inspector General Report No. 07-00616 (Sept. 10, 2007), Audit of the Veterans Health | | |
| 16 | Administration's Outpatient Waiting Times. | | |
| 17 | I declare under penalty of perjury that the foregoing is true and correct and that this | | |
| 18 | declaration was executed this 11th day of February, 2008, at San Francisco, California. | | |
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| 20 | /s/ Stacey Sprenkel Stacey Sprenkel | | |
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