

TITLE SHEET

CASE NUMBER C-07-3758-SC	
CASE TITLE VETERANS FOR COMMON SENSE, et al. -v- JAMES B. PEAKE, M.D., et al.	
COURT REPORTERS Belle Ball, Debra Pas	
DEPUTY CLERK T. De Martini	JUDGE Samuel Conti
ATTORNEYS FOR PLAINTIFF	ATTORNEYS FOR DEFENDANT
Gordon Erspamer	Daniel Bensing
Sidney Wolinsky	Kyle Freeny
Heather Moser	James Schwartz
Stacey Sprenkel	
Arturo Gonzalez, Katrina Corbit	

FILED

MAR - 6 2008

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

LIST OF EXHIBITS AND WITNESSES

CASE NO. C-07-3758-SC VETERANS FOR COMMON SENSE, et al. -v- JAMES B. PEAKE, M.D., et al.								
Plaintiff			Defendant			DATE/TIME	EXHIBITS/WITNESSES	BY
No.	ID	EV	No.	ID	EV			
							March 3, 2008	
						9:30 A.M.	Plaintiffs Motion for preliminary injunction Began	
							Court Ruling re Narrowing of the issues placed on the record	
						9:50 A.M.	Scheduling Matters Discussed	
						9:56 A.M.	Plaintiffs Opening Statement	
						10:29 A.M.	Defendants Opening Statement	
						11:00 A.M.	Recess	
						11:10 A.M.	Reconvene	
							Witness Dr. Arthur Blank - Sworn	TI
							Direct by Wolinski	
						11:19 AM	Defendant Voir Dire by Schwartz re Expert	
						11:21 p.m.	Continued direct	
84	X						Review by House Committee on Vet Affairs 10/06	
295	X						VA Location Map - Overized exhibit	

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Plaintiff			Defendant			DATE/TIME	EXHIBITS/WITNESSES	BY
No.	ID	EV	No.	ID	EV			
						12:18 p.m.	Recess	
						1:30 p.m.	Reconvene	
							Continued Direct of Blank	
295	X						VA Locations Map - oversized chart	
12	X						Sample Clinical Appeals Process 5/23/01	
						12:12 p.m.	Cross by Schwartz	
						2:21 p.m.	Redirect	
						2:23 p.m.	Witness Dr. Gerald Cross - Sworn	TI
							Direct by Gonzalez	
19	X						Report # 02-0229-95 5/14/03	
169	X						OIG Report # 07-00616-199	
						3:20 p.m.	Recess	
						3:35 p.m.	Reconvene	
							Continued Direct of Cross	
321	X						VHA Monthly Performance Review March 2007	
133	X						VA Report # 06-03706-126	
276	X						Suicide Rates by VISN and 95% Cis	
275	X						2002 Crude Suicide Rates by State, Veterans Affairs	
						4:30 p.m.	Recess	
							March 4, 2008	
						9:00 A.M.	Reconvene	
							Defendants Motion re: improper service of Subpoenas - worked out by parties	
						9:16 A.M.	Continued Direct of Cross	TI
182	X						Overview of Mental Health Effects Serving in Afghanistan 10/1/07	
334	X						Chart re Positions (VA 003-02163)	
316	X						Physician Staff Levels 9/30/06	
319	X						Monthly Performance Review 10/07	
335	X						CBS FOIA: VA Patents	

CASE NO. C-07-3758-SC VETERANS FOR COMMON SENSE, et al. -v- JAMES B. PEAKE, M.D., et al.

Plaintiff			Defendant			DATE/TIME	EXHIBITS/WITNESSES 3/4/08	BY
No.	ID	EV	No.	ID	EV			
						9:59 am.	Cross of Dr. Gerald Cross by Bensing	
			501	X	X		VA Healthcare Inspection 5/10/07	
			535	X	X		Nursing Home Resident Rights & Responsibilities	
			524	X	X		VA FY 2009 Budget Submission	
			526	X	X		Medical Budget Overview 2005-2008	
						10:40 am	Recess	
						10:55 am	Recess	
319	X	X					VHA Monthly Performance Review Oct FY 2007	
			527	X	X	527	Chart of Joint Commission Management Status tracker 2008	
			528	X	X		Chart of VHA Executive Summary: Patient Access	
			529	X	X		Chart of VHA Executive Summary Mental Health Patient Access	
			513	X	X		VA Memorandum: Mental Health Directives 6/1/07	
84	X						Review of Capacity of Dept of Veterans Affairs 10/06	
			508	X			Chart of Most Common Mental Health Diagnoses	
						11:26 am	Redirect	
169	X						OIG Report 07-0616-199	
						11:44 am.	Witness Dr. Stephen Rathburn - Sworn	77
							Direct by Sprenkel	
254	X						Declaration of Stephen Rathburn	
							Rathburn offered as an expert	
						11:46 am.	Vol Due by Defendant	
						11:48 am.	No objection by Defendant	
29	X						Estimate for Rates for the 13 NORS States 9/30/04	
329	X		329	X			Sex-Age Adjusted Suicide Rates FY01-FY05	
						12:04 p.m.	Cross by Freemy	
						12:06 p.m.	Redirect	
						12:08 pm.	Recess	
						1:30 pm	Recess	
							Witness Dr. Chad Peterson - Sworn	77

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Plaintiff			Defendant			DATE/TIME	EXHIBITS/WITNESSES 3/4/08	BY
No.	ID	EV	No.	ID	EV			
						1:30 p.m.	Direct of Dr. Chad Peterson by Wolinsky	
40	X						offered as an expert no voir dire by Defendant Grand Bellucci, et al. impact of the Wait for initial appointment	
						3:00 p.m.	Recess	
						3:15 p.m.	Recess	
							Continued Direct of Peterson	
						3:30 p.m.	Cross by Schwartz	
						3:44 p.m.	Re-direct	
						3:49 p.m.	Witness Dr. Antoinette Zeiss - Sworn	T
							Direct by Espamer	
246	X						Professional Profile of Dr. Antoinette Zeiss 1/30/08	
245	X						Declaration of Zeiss 1/30/08	
351	X						Selected VHA Statistics FY 2006-2007	
						4:35	Recess	
						'	March 5, 2008	
						9:00 Am.	Recess	
							Continued Direct of Zeiss	
133	X	X					Dept VA Affairs Report 06-03106-126 5/10/07	
13	X						VHA Directive 2001-033 5/23/01	
345	X	X					VA 1-800-273 Talk Hotline Experience 1/1/08	
85	X						Dept VA Affairs "VHA Outpatient Scheduling Process & Procedures"	
352	X	X					Mental Health Initiatives New Positions	
						11:00 Am.	Recess	
						11:15 Am.	Recess	
354	V						Testimony by Dr. Alfonso Rodes	
						11:22 Am.	Cross by Schwartz	
			508	X	X		Chart of Most Common Mental Health Diagnoses 2008	
			511	V	V		Outpatient Mental Health Encounters and Uniques 2005-2006	
						12:00 p.m.	Recess	

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CASE NO.								
Plaintiff			Defendant			DATE/TIME	EXHIBITS/WITNESSES	BY
No.	ID	EV	No.	ID	EV			
						1:35 p.m.	Reconvene	
							Witness W. Paul Keams - Sworn	Δ
							Direct by Freeman	
			518	X	X		VA Memorandum: Mental Health Budget 05-09	4/6/05
			520	X				
			519	X	X		FY 2007 Mental Health Initiative	
			520	X	X		VA FY 2005 Budget Submission	
			521	X	X		VA FY 2006 Budget Submission	
			522	X	X		VA FY 2007 Budget Submission	
			523	X	X		VA FY 2008 Budget Submission	
			524	X	X		VA FY 2009 Budget Submission	
			525	X	X		Chart of total Mental Health Spending	
						1:57 p.m.	Cross by Moses.	
88	X	X					GAO Report Spending for Mental Health Strategies	
244	X						Declaration of W. Paul Keams III	
525	X		525	X	X		Chart of total mental health spending	
305	X	X					VNA Next 30-45 days	
228	X	X					Public Law 110-161 Consolidated Appropriations Act 2008	
112	X	X					Public Law 110-5 Full Year Continuing Appropriations 2/15/07	
143	X	X					Public Law 110-28 U.S. Troops Readiness	
56	X	X					Public Law 109-114 Military Quality of Life	
71	X	X					Public Law 109-234 Emergency Supplemental Appropriations	
57	X	X					Public Law 109-148 Department of Defense	
33	X	X					Public Law 108-447 Consolidated Appropriations	
30	X	X					Public Law 108-324 Military Construction Appropriations	
52	X	X					Public Law 109-54 Department of the Interior	
						2:27 p.m.	Re direct of	
						2:29 p.m.	Continued cross of Dr. Zeiss	π
			512	X	X		Specialist Post Traumatic Stress Disorder & Operate	

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No.	ID	EV	No.	ID	EV			
			514	✓	X		Mental Health percent of OEF/OIF Veterans Waiting	
			515	X	X		Wait time for MH Outpatient App to 12/07 established patient	
			516	X	X		Wait time for MH Outpatient App to 12/07 New patients	
						2:58 p.m.	Redirect of Zeiss	
						3:04 p.m.	Recess	
						3:16 p.m.	Recess	
359	✓						VHA Schedulers Training	
245	X						Declaration of Antoinette Zeiss	
						3:26 p.m.	Future hearings discussed.	
							Defendants Motion to Dismiss set to be heard Wednesday March 12, 2008 at 10:00 A.M.	
							4/21/08 Trial on objection plaintiff has 3 days.	
							pretrial statements due 4/14/08	
							Pending Motions to Compel Plaintiffs Rest	
						3:40 p.m.	Witness Dr. Jeff Muransky - Sworn	Δ
							Direct by Freeman	
			532	X	X		VHA Directive 1601A.01 Intake Registration	
			533	X	X		VHA Directive 2007-033 Telephone Service for Clinical Care	
			530	✓	X		VHA Directive Standards for Maintenance & Operation in Emergency Facility	
			534	X	X		VHA Handbook Patient Advisory Program	
			536	X	X		VHA Directive 2006-057 VHA Clinical Appeals	
			537	X	X		VA Policy Memorandum, Clinical Appeals Process	
						4:12 p.m.	Cross by Gonzalez	
						4:34 p.m.	Recess	

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No.	ID	EV	No.	ID	EV			
						9:00 A.M.	House keeping matters discussed	
							discussion of what form a preliminary injunction would take if issued.	
							Plaintiff to submitted outline for form of injunction	
						9:41 A.M.	Defendant to object	
							Partic Plaintiff to Submit Injunctive Matter to be considered by the Court on Monday.	
							Briefs due Monday by noon as to Motion to dismiss and protective order	
						9:47 A.M.	Continued Cross of Murawsky by Gonzalez	
			537	V				
			534	X				
						10:28 A.M.	Redirect by Freeman	
						10:30 A.M.	Recross	
						10:32 A.M.	Re redirect	
						10:33 A.M.	Witness Dr. IRA Katz - Sworn	Δ
							Direct by Schwartz	
						11:00 A.M.	Recess	
						11:15 A.M.	Reconvene	
			517	X	X		VA Suicide Risk Assessment Guide	
						11:40 A.M.	Cross by Espamer	
312	V						Assessing and Treating Suicidal Ideation in Primary Care	
						12:05 P.M.	Recess	
						1:30 P.M.	Reconvene	
312		X					Assessing + Treating Suicidal Ideation in Primary Care	
201		V					Suicide Mortality Among Individuals	
309		X					Sex-Age Adjusted Suicide Rate	
331	X	X					Study of Veterans Using VHA	

