

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF CALIFORNIA

3
4 VIETNAM VETERANS OF AMERICA;
5 SWORDS TO PLOWSHARES: VETERANS
6 RIGHTS ORGANIZATION; BRUCE PRICE;
7 FRANKLIN D. ROCHELLE; LARRY
8 MEIROW; ERIC P. MUTH; DAVID C.
DUFRANE; TIM MICHAEL JOSEPHS; and
WILLIAM BLAZINSKI, individually,
on behalf of themselves and all
others similarly situated,

9 Plaintiffs,

10 v.

11 CENTRAL INTELLIGENCE AGENCY;
12 MICHAEL J. MORRELL, Acting
13 Director of Central Intelligence;
14 UNITED STATES DEPARTMENT OF
15 DEFENSE; DR. ROBERT M. GATES,
16 Secretary of Defense; UNITED
17 STATES DEPARTMENT OF THE ARMY;
18 PETE GEREN, United States
19 Secretary of the Army; UNITED
STATES OF AMERICA; ERIC H.
HOLDER, Jr., Attorney General of
the United States; UNITED STATES
DEPARTMENT OF VETERANS AFFAIRS;
and ERIC K. SHINSEKI, UNITED
STATES SECRETARY OF VETERANS
AFFAIRS,

20 Defendants.
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22 Defendants Central Intelligence Agency and its Acting
23 Director Michael J. Morrell (collectively, CIA), and Defendants
24 Department of Defense and its Secretary Leon Panetta and
25 Department of the Army and its Secretary John McHugh
26 (collectively, DoD) move for a protective order limiting
27 discovery.
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No. C 09-00037 CW

ORDER OF REFERENCE
TO MAGISTRATE
JUDGE AND
EXTENDING BRIEFING
SCHEDULE

1 The Court will decide the CIA's motion for a protective order
2 based on the arguments contained in sections I.A and I.B of the
3 motion. These sections address whether Plaintiffs Vietnam
4 Veterans of America, et al., have outstanding claims for notice
5 and health care and, if so, whether these claims should be decided
6 on an administrative record. The Court refers to Magistrate Judge
7 Jacqueline Scott Corley the balance of the CIA's motion, which
8 concerns the appropriate scope of discovery of the CIA with
9 respect to claims against other Defendants, and the entirety of
10 the DoD's motion. Counsel will be advised of the date, time and
11 place of appearance by notice from the assigned Magistrate Judge.

12 Pursuant to the parties' stipulation, Plaintiffs' response to
13 the CIA's and the DoD's motions shall be due August 31, 2011, and
14 the CIA and the DoD shall reply by September 9, 2011. The parties
15 need not file separate opposition and reply briefs in light of the
16 Court's referral order, so long as their arguments are divided
17 appropriately.

18 The Court will hear its portion of the CIA's motion on
19 September 29, 2011 at 2:00 p.m., unless the matter is decided on
20 the papers.

21 IT IS SO ORDERED.

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23 Dated: 8/30/2011



CLAUDIA WILKEN

United States District Judge

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