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 VETERANS FOR COMMON SENSE and
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12 UNITED STATES DISTRICT COURT
 13 NORTHERN DISTRICT OF CALIFORNIA
 14 SAN FRANCISCO DIVISION

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

17 Plaintiffs,

18 v.

19 JAMES B. PEAKE, M.D., Secretary of
 Veterans Affairs, *et al.*,

20 Defendants.

Case No. C-07-3758-SC

CLASS ACTION

**DECLARATION OF HEATHER A.
 MOSER IN SUPPORT OF
 PLAINTIFFS' OPPOSITION TO
 DEFENDANTS' MOTION FOR
 PROTECTIVE ORDER TO STAY
 DISCOVERY FROM THE U.S. COURT
 OF APPEALS FOR VETERANS
 CLAIMS**

Date: March 7, 2008
 Time: 10:00 a.m.
 Ctrm: 1, 17th Floor

Complaint Filed July 23, 2007

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DECLARATION OF HEATHER A. MOSER

I, Heather A. Moser, declare as follows:

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' Opposition to Defendants' Motion for Protective Order to Stay Discovery from the U.S. Court of Appeals for Veterans Claims, 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. On January 15, 2008, counsel for Defendants, Daniel Bensing, sent Plaintiffs' counsel a letter regarding outstanding discovery. That letter, among other things, urged Plaintiffs to consider narrowing their outstanding document requests. The next day, I sent a letter to Mr. Bensing listing thirteen high priority document requests aimed at obtaining the documents most relevant to the pending preliminary injunction motion. A true and correct copy of my letter is attached hereto as Exhibit A.

3. On January 30, 2008, I participated in a prescheduled telephonic meet and confer conference with my colleague Gordon Erspamer as well as counsel for Defendants. During that conversation, Defendants recited a series of legal objections as grounds for refusing to immediately begin production of documents responsive to the long overdue requests. During that conversation, I inquired whether defense counsel intended to produce documents responsive to the prioritized requests proposal set forth in my January 16 letter. During that conversation, the parties also discussed the general topic of depositions. The parties agreed to further discussions regarding the number of and place for deposition. Those additional discussions have not taken place to date. During that discussion, Plaintiffs' counsel did not propose any potential deposition date for William Greene, Jr. prior to the previous or current hearing dates for the motion to dismiss Defendant Greene.

1 I declare under penalty of perjury that the foregoing is true and correct and that this
2 declaration was executed this 8th day of February, 2008, at San Francisco, California.

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4 /s/ Heather A. Moser

Heather A. Moser

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