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13 VETERANS FOR COMMON SENSE and  
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15 UNITED STATES DISTRICT COURT  
16 NORTHERN DISTRICT OF CALIFORNIA  
17 SAN FRANCISCO DIVISION

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

20 Plaintiffs,

21 v.

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

24 Defendants.

Case No. C-07-3758-SC

**CLASS ACTION**

**DECLARATION OF HEATHER A.  
MOSER IN SUPPORT OF  
PLAINTIFFS' MOTION FOR  
PRELIMINARY INJUNCTION REPLY**

**(Fed. R. Civ. P. 65(a); Civil L.R. 65-2)**

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' Motion for Preliminary Injunction Reply, 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 October 19, 2007, Plaintiffs served their First Amended First Set of Requests for Production of Documents to All Defendants.

3. On November 2, 2007, Plaintiffs served their first Notice of Deposition of Defendant Witnesses.

4. On November 9, 2007, Defendants filed their first Motion for Protective Order to Stay Discovery.

5. The deadline for responding to Plaintiffs' First Amended Set of Requests for Production of Documents passed on November 21, 2007.

6. On November 16, 2007, Plaintiffs served their Second Set of Requests for Production of Documents to All Defendants.

7. On November 16, 2007, Plaintiffs served their Notice of Deposition Pursuant to Fed. R. Civ. Proc. 30(b)(6).

8. On November 21, 2007, Defendants filed their second Motion for Protective Order to Halt Rule 30(b)(6) Deposition and Bar Additional Document Requests.

9. The deadline for responding to Plaintiff's Second Amended Set of Requests for Production of Documents passed on December 19, 2007.

10. On December 11, 2007, I attempted to begin the meet-and-confer process with Defendants by letter regarding the outstanding document requests.

11. During oral argument on Defendants' Motion to Dismiss on December 14, 2007, the Court granted Defendants' motion to stay pending a decision on the motion to dismiss.

