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13 UNITED STATES DISTRICT COURT  
14 NORTHERN DISTRICT OF CALIFORNIA  
15 SAN FRANCISCO

16 VETERANS FOR COMMON SENSE and )  
17 VETERANS UNITED FOR TRUTH, )  
18 Plaintiffs, )  
19 v. )  
20 Hon. JAMES B. PEAKE, Acting Secretary )  
of Veterans Affairs, *et al.*, )  
21 Defendants. )  
22 )  
23 \_\_\_\_\_ )

No. C 07-3758-SC

**DEFENDANTS' RESPONSES AND  
OBJECTIONS TO PLAINTIFFS'  
REQUESTS FOR PRODUCTION OF  
DOCUMENTS NUMBERED 1 – 191**

24 Introduction

25 Defendants hereby respond to plaintiffs' Requests for Production of Documents (RFP)  
26 numbered 1 - 191. Due the number of plaintiffs' RFPs and their enormous scope, defendants  
27 have been unable to complete their search for all documents responsive to these requests at this  
time. Therefore, defendants reserve the right to assert additional objections should they identify  
28 other responsive documents that are subject to objection on grounds other than those asserted  
herein.

1 General Objections to All of Plaintiffs' Requests for Production of Documents

2 **A. APA Record Review Objections**

3 The only basis for plaintiffs' challenge to "policies, practices and procedures" of the VA  
 4 is under the Administrative Procedure Act (APA) and discovery is not permitted in APA actions,  
 5 which are, instead, resolved on the administrative record of the agency action in question.  
 6 Therefore, defendants object, on relevance and burdensomeness grounds to: (1) any discovery at  
 all in this action; and, in the alternative, (2) any discovery outside of documents that would be  
 included in the administrative record(s) of the final agency action(s) challenged by plaintiffs.  
This objection applies to all of plaintiffs' RFPs.

7 **B. Application of the Federal Rules of Civil Procedure**

8 Defendants object to plaintiffs' definitions, instructions and interpretation sections to the  
 9 extent that these purported definitions, instructions and interpretations impose any obligations  
 different or greater than those of the Federal Rules of Civil Procedure and other applicable law.  
 10 This objection applies to all of plaintiffs' RFPs.

11 In accordance with Fed. R. Civ. P. 26(b)(2)(B), defendants will not produce documents  
 12 consisting of electronically stored information from backup tapes which are not reasonably  
 accessible. This includes, but is not limited to backup tapes for all of VA's file servers and email  
 13 servers. As discovery proceeds, defendants expect to identify additional sources that are not  
 reasonably accessible and from which documents need not be produced and will supplement  
 these responses accordingly.

14 **C. Objections to Plaintiffs' Definitions and Preamble**

15 1. "All Documents Concerning" Relevance and Burdensomeness Objection  
 16 Defendants object on relevance and burdensomeness grounds to all of plaintiffs' requests to the  
 extent that they seek "ALL DOCUMENTS CONCERNING" (as well as to the definitions of  
 17 "document(s)" and "concerning") the topics listed in the requests, as they do not describe the  
 requested documents with "reasonable particularity" within the meaning of Rule 34. Defendants  
 18 will, subject to other objections, produce those documents most directly relevant and responsive  
 to each request, but will not attempt to search for, identify and produce all documents that might  
 19 in some way concern the subject matter of each request. The VA employs approximately  
 256,000 employees and many of these employees may have created "documents" (such as e-  
 20 mails) related to subjects identified in plaintiffs 191 RFPs. Defendants will search the files of  
 those components of the VA that are responsible for the subject matter of the request. However,  
 21 defendants will not ask every employee of the VA to search his or her files for "all documents  
 concerning" any of plaintiffs' 191 requests for production of documents. This objection applies  
 22 to all of plaintiffs' RFPs.

23 2. "Communication" Definition Overbreadth Objection Defendants object on  
 24 relevance and burdensomeness grounds to the scope of documents requested by virtue of  
 plaintiffs' definition of the words "COMMUNICATION" OR "COMMUNICATIONS" as they  
 do not describe the requested documents with "reasonable particularity" within the meaning of  
 25 Rule 34. Defendants also object, on grounds of undue burden and relevance, as well as  
 deliberative process privilege, to plaintiffs' requests to the extent that they seek  
 26 "communications" relating to specific, written agency VA policies, practices, procedures,  
 investigations or other activities (hereafter "policies"). Defendants will produce the core  
 27 documents relevant to such policies, including those maintained by: (1) those officials  
 responsible for developing the policy in question; and (2) and author or project leader who  
 28 actually drafted the policy. Defendants object and will not produce all drafts of policies, all

1 comments on drafts of polices and similar documents that preceded the adoption of the policy.

2 3. “Meeting” Definition Overbreadth Objection Defendants object on relevance and  
3 burdensomeness grounds to the scope of documents requested by virtue of plaintiffs’ definition  
4 of the word “MEETING” as they do not describe the requested documents with “reasonable  
5 particularity” within the meaning of Rule 34.

6 4. “Identify” Overbreadth Objection Defendants object on relevance and  
7 burdensomeness grounds to plaintiffs’ definition of “IDENTIFY” to the extent that it requests  
8 information about: (a) a person’s last know employer, that employer’s address and telephone  
9 number and or position with that employer (assuming that the last known employer is not the  
10 VA), and the person’s home address and telephone number; and (b) a document other than title,  
11 subject (if not clear from the title), date and author.

## 8 **D. Objections to All Requests for Production of Documents**

9 1. Facial Challenge Objection Defendants object on relevance and burdensomeness  
10 grounds to the production of any documents relevant solely to plaintiffs’ facial challenge to the  
11 constitutionality of the VJRA. See Complaint paragraph 30. This objection applies to all of  
12 plaintiffs’ RFPs.

13 2. Time Frame Overbreadth and Burdensomeness Objection. Defendants object on  
14 relevance and burdensomeness grounds to all discovery requests for documents dated or relating  
15 to events prior to January 1, 2005. As plaintiffs seek solely declaratory and injunctive relief,  
16 absent unique and special circumstances, the relevance of documents dated before January 1,  
17 2005 is extremely attenuated, and their limited relevance is outweighed by the undue burden of  
18 their production by defendants. This objection applies to all of plaintiffs’ RFPs.

19 3. Claim Ambiguity Objection Plaintiffs challenge various “illegal policies and  
20 practices,” of the VA, Complaint, ¶ 31, and list four such policies, Complaint, ¶ 31a-d, and then  
21 purport to also challenge “[v]arious other illegal practices and procedures as outlined below,” Id.  
22 ¶ 31e, but never expressly identify any such policies, in the balance of their 278-paragraph  
23 complaint. Consequently, defendants are unable to determine whether many of plaintiffs’ RFPs  
24 seek documents “relevant to a claim or defense” in this action. Accordingly, defendants object to  
25 all of plaintiffs 191 RFPs as vague and ambiguous since plaintiffs’ complaint fails to provide an  
26 unambiguous and definitive list of all of the “illegal policies and practices” they purport to  
27 challenge. Defendants therefore will interpret plaintiffs’ challenge to various “illegal policies  
28 and practices,” of the VA to be only those practices identified in paragraph 31a-d of the  
29 complaint. This objection applies to all of plaintiffs’ RFPs.

## 21 **E. Additional Objections to Certain Requests for Production of Documents**

22 1. VA Rule Relevance and Burdensomeness Objection As plaintiffs are “precluded  
23 from challenging any regulations promulgated by the Secretary” of the Department of Veterans  
24 Affairs, (see January 10, 2008 Order at 14:14-15, citing 38 U.S.C. § 502), activities and policies  
25 of the VA that are governed by rules are outside the scope of this litigation and hence defendants  
26 object to producing documents relating to such activities and policies as irrelevant and  
27 burdensome.

28 2. Non-PTSD/Mental Health Overbreadth and Burdensomeness Objection.  
29 Defendants object on relevance and burdensomeness grounds to all discovery requests for  
30 documents to the extent that they do not relate to PTSD and mental health claims by veterans.

31 3. Individual Medical Care Relevance and Burdensomeness Objection This Court  
32 cannot and should not review the quality or precise nature of medical treatment recommended or

1 provided by VA's professional staff (see 38 U.S.C. § 511; Order at 24-25; 28). Allegations of  
2 negligence which call into question the quality of VA care are subject to review in actions under  
3 the Federal Torts Claims Act. Consequently, defendants object on relevance and budensomeness  
4 grounds to requests for documents relating to individual medical care determinations made by the  
5 VA as well as to the overall quality of medical care provided by VA as evidenced through  
6 individual medical care determinations.

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4. "Policies, practices and procedures" Objection

a. Defendants object to plaintiffs' document requests to the extent that they seek documents on VA agency "practices policies and procedures" as the meaning of this phrase is vague and ambiguous and also does not clearly constitute final agency action within the meaning of the APA. Defendants will interpret the phrase "practices, policies and procedures," or portions thereof, to mean a written, and finalized agency policy that, by its own terms, applies not solely to an individual claim or matter, but to a category of claims or matters.

b. Defendants object, on grounds of relevance and burden to such requests except to the extent that they seek documents relevant to identified VA policies and procedures (such as guidelines, Fast Letters) that are maintained by: (1) those officials responsible for developing the policy in question; and (2) and author or project leader who actually drafted the policy. Defendants will not attempt to search for all communications from all other components of VA relating to these policies.

5. Individual Claim File Relevance and Burdensomeness Objection Defendants object on relevance and burdensomeness grounds to plaintiffs' requests for documents contained within individual claim files, medical treatment files and similar individual case files. This Court cannot review individual claims for benefits and health care (see 38 U.S.C. § 511; Order at 24-25; 28) and hence claim files and other claim-specific documents are not relevant to this litigation. This objection does not apply to documents providing aggregations of data about the processing of individual claims. This objection also applies to any written guidance provided by superiors to VA officials making determinations on individual claims for benefits or medical care, unless such guidance applies to an entire category of individual claims for benefits.

6. Non-VA Defendant Relevance Objection Proposals or discussions and other activities by officials of agencies other than the Department of Veterans Affairs that do not relate to or affect actions of the VA at issue in this litigation are not relevant.

7. CAVC Objection Objection, the Court of Appeals for Veterans Claims (CAVC) is not a proper defendant in this action since it is a court of the United States, not an executive branch agency subject to suit under the APA. Additionally, the Court is immune from discovery of communications among judges and staff about court business due to the doctrine of judicial privilege. Consequently, the CAVC cannot be compelled to respond to a Rule 34 request for production of documents.

8. ESI Format Burdensomeness Objection Defendants object, as unduly burdensome, to plaintiffs' request that electronically-stored information (ESI) be produced in "searchable (using OCR) single-page TIFF images with accompanying Concordance load files," as well as to a listing of particular metadata fields and all other instructions related to ESI production contained in plaintiffs' letter of October 10, 2007 to Steven Y. Bressler. Defendants will consult with plaintiffs in the near future about the format for future ESI production.

9. Computer Inspection Burdensomeness and Relevance Objection Defendants object on burdensomeness and relevance grounds to plaintiffs' requests to the extent that they seek to compel physical inspection of defendants' computer systems and similar systems for the storage of ESI.

1 10. Publically-Available Documents Objection. Defendants will not produce  
2 documents, such as press clippings, GAO reports, Congressional Committee Reports, articles  
3 from published scientific journals and similar documents that are in defendants' possession but  
4 also available to the public and plaintiffs.

5 11. Attorney-Client and Attorney Work Product Objection. Defendants object to all  
6 discovery requests to the extent that they seek documents or information covered by the attorney-  
7 client privilege or the attorney work product doctrine. Defendants will prepare an appropriate  
8 privilege log.

9 12. Deliberative Process Objection Defendants object to all discovery requests to the  
10 extent that they seek documents or information covered by the Deliberative Process privilege  
11 which applies to communications within the VA and between the VA and other agencies of the  
12 Executive Branch. Defendants will prepare an appropriate privilege log.

13 13. Privacy Act Objection. Defendants object to the production of all documents  
14 retrieved from a "system of records," as that term is defined by the Privacy Act, 5 U.S.C. §  
15 552a(a)(5), as such disclosure of prohibited by the Privacy Act, 5 U.S.C. § 552a(b), and, as to  
16 certain documents, by 38 U.S.C. § 7332. Defendants will produce such documents upon the  
17 Court's entry of a Order, under 5 U.S.C. § 552a(b)(11), authorizing disclosure.

18 14. Objection to Duplicative Requests Lodged by Plaintiffs Plaintiffs have repeatedly  
19 lodged requests that are substantively duplicative of other requests. See e.g. RFPs 74 and 77;  
20 112 and 113; 105 and 107; 67 and 138; 49 and 173; 139 and 182.

21 Defendants Specific Responses to Each of Plaintiffs' Requests

22 Plaintiffs' unedited and unrestrained discovery requests, neither limited to the issues  
23 raised in the complaint nor presented in any organized and non-repetitive manner, make  
24 identification of responsive and non-objectionable documents impossible in the short period  
25 since the Court's 10, 2008 decision narrowing the issues in the case. Defendants have asserted  
26 relevant objections in responding to each of plaintiffs' 191 individual requests, but in doing so,  
27 do not waive any other objections that may become apparent when documents are located and  
28 reviewed. Additionally, many of defendants' objection apply to all of plaintiffs' discovery  
requests and are so noted when the objection is described.

The sentence "Non-objectionable and responsive documents will be produced." in  
defendants' responses means that, if all of defendants' objections to that request (i.e. those  
relevant General Objections as well as specific objections identified in response to the particular  
request and any additional or amended objections asserted in supplemental responses) are  
overruled or withdrawn, defendants will produce non-objectionable and responsive documents.  
This sentence is only included where it appears, from the information currently available to

1 defendants that, even if all of defendants' objections are sustained, some documents may be  
2 responsive and non-objectionable.

3 \_\_\_\_\_  
4 **REQUEST FOR PRODUCTION NO.1:**

5 Lists, databases, computer systems or printouts showing pending SCDDC claims based  
6 on PTSD or mental health disorders, including, without limitation, those containing information  
7 regarding the stage of proceeding (e.g., regional office, BVA, CAVC, etc.) and/or similar lists  
8 maintained, generated, dated, or printed between January 1, 2000 and the present.

9 Response: This responses will constitute a Consolidated Response to RFPs 1-2; 4-17; 21;  
10 96; 97; 117; 127; 187; 189 and responses to those RFPs will be referred back to this response.

11 Privacy Act Objection Individual Claim File Relevance and Burdensomeness Objection

12 Computer Inspection Burdensomeness and Relevance Objection At this point, defendants have  
13 not completed their examination and analysis of the computer databases responsive to determine  
14 what specific databases contain documents responsive to this request, as well as to the format in  
15 which responsive and nonobjectionable ESI will be produced. Defendants reserve their right to  
16 supplement this responses with that information after they have completed that examination and  
17 analysis. Non-objectionable and responsive documents will be produced. Additional response to  
18 RFP 1 only: CAVC Objection.

19 **REQUEST FOR PRODUCTION NO.2:**

20 Lists, databases or printouts of all resolved SCDDC claims based upon PTSD or mental  
21 health disorder sorted, including, without limitation, information CONCERNING the stage of  
22 proceeding (e.g., regional office, BVA, CAVC, etc.) at the time of resolution, and/or similar lists  
23 maintained, generated, dated, or printed between January 1, 2000 and the present.

24 Response: See Consolidated Response to RFPs 1-2; 4-17; 21; 96; 97; 117; 127; 187;  
25 189.

26 **REQUEST FOR PRODUCTION NO.3:**

27 Circulars, directives, letters, VA Fast letters, policy directives or other written  
28 COMMUNICATIONS concerning rules, procedures or practices for evaluating and/or

1 adjudicating PTSD claims.

2 VA Rule Relevance and Burdensomeness Objection “Policies, practices and  
3 procedures” Objection “Communication” Definition Overbreadth Objection Non-objectionable  
4 and responsive documents will be produced.

5 **REQUEST FOR PRODUCTION NO.4:**

6 The number of PTSD claims currently pending at each regional office of the VA, and the  
7 number of days each claim has been pending starting from the original filing date.

8 Response: See Consolidated Response to RFPs 1-2; 4-17; 21; 96; 97; 117; 127; 187;  
9 189.

10 **REQUEST FOR PRODUCTION NO.5:**

11 The number of SCDDC claims pending at each regional office of the VA, and the number  
12 of days each claim has been pending starting from the original filing date.

13 Response: See Consolidated Response to RFPs 1-2; 4-17; 21; 96; 97; 117; 127; 187;  
14 189.

15 **REQUEST FOR PRODUCTION NO.6:**

16 Beginning with the filing of a Notice of Disagreement, the number of days each PTSD  
17 claim appeal has been pending starting from the original filing date.

18 Response: See Consolidated Response to RFPs 1-2; 4-17; 21; 96; 97; 117; 127; 187;  
19 189.

20 **REQUEST FOR PRODUCTION NO.7:**

21 Beginning with the filing of a Notice of Disagreement, the number of days each SCDDC  
22 claim has been pending at the BVA starting from the original filing date.

23 Response: See Consolidated Response to RFPs 1-2; 4-17; 21; 96; 97; 117; 127; 187;  
24 189.

25 **REQUEST FOR PRODUCTION NO.8:**

26 Beginning with the Notice of Appeal, the number of days each SCDDC appeal has been  
27 pending starting from the original filing date.

28 Response: See Consolidated Response to RFPs 1-2; 4-17; 21; 96; 97; 117; 127; 187;

1 189.

2 **REQUEST FOR PRODUCTION NO.9:**

3 Beginning with the Notice of Appeal, the number of days each PTSD appeal has been  
4 pending starting from the original filing date.

5 Response: See Consolidated Response to RFPs 1-2; 4-17; 21; 96; 97; 117; 127; 187;  
6 189.

7 **REQUEST FOR PRODUCTION NO. 10:**

8 The number of days required to adjudicate PTSD claims resolved at VA regional office  
9 and average time of each between 2000 and present, beginning on the date of receipt of the  
10 claim.

11 Response: See Consolidated Response to RFPs 1-2; 4-17; 21; 96; 97; 117; 127; 187;  
12 189.

13 **REQUEST FOR PRODUCTION NO. 11:**

14 The number of days required to adjudicate SCDDC claims resolved at VA regional office  
15 and average time of each between 2000 and present, beginning on the date of receipt of the  
16 claim.

17 Response: See Consolidated Response to RFPs 1-2; 4-17; 21; 96; 97; 117; 127; 187;  
18 189.

19 **REQUEST FOR PRODUCTION NO. 12:**

20 The number of days required to decide each resolved PTSD claim appeal, beginning on  
21 the date of the Notice of Disagreement, and average time, between 2000 and present.

22 Response: See Consolidated Response to RFPs 1-2; 4-17; 21; 96; 97; 117; 127; 187;  
23 189.

24 **REQUEST FOR PRODUCTION NO. 13:**

25 The number of days required to decide each resolved SCDDC claim appeal, beginning on  
26 the date of the Notice of Disagreement, and average time, between 2000 and present.

27 Response: See Consolidated Response to RFPs 1-2; 4-17; 21; 96; 97; 117; 127; 187;  
28 189.

1 **REQUEST FOR PRODUCTION NO. 14:**

2 The number of days required to resolve every PTSD claim appeal to the CAVC,  
3 beginning on the filing of the Notice of Appeal, and average time between 2000 and present.

4 Response: See Consolidated Response to RFPs 1-2; 4-17; 21; 96; 97; 117; 127; 187;  
5 189. Additional response to RFP 14 only: CAVC Objection.

6 **REQUEST FOR PRODUCTION NO. 15:**

7 The number of days required to resolve every SCDDC claim appeal to the CAVC,  
8 beginning on the filing of the Notice of Appeal, and average time between 2000 and present.

9 Response: See Consolidated Response to RFPs 1-2; 4-17; 21; 96; 97; 117; 127; 187;  
10 189. Additional response to RFP 15 only: CAVC Objection.

11 **REQUEST FOR PRODUCTION NO. 16:**

12 The average number of days for VA regional offices to complete action on remands of  
13 PTSD claims from the BVA, and from the CAVC between 2000 and present.

14 Response: See Consolidated Response to RFPs 1-2; 4-17; 21; 96; 97; 117; 127; 187;  
15 189.

16 **REQUEST FOR PRODUCTION NO. 17:**

17 The average number of days for VA regional offices to complete action on remands of  
18 SCDDC claims from the BVA, and from the CAVC between 2000 and present.

19 Response: See Consolidated Response to RFPs 1-2; 4-17; 21; 96; 97; 117; 127; 187;  
20 189.

21 **REQUEST FOR PRODUCTION NO. 18:**

22 Examples or incidents involving a failure or delay in providing medical diagnosis or  
23 treatment to a veteran claiming he or she has PTSD, and all MEETINGS and  
24 COMMUNICATIONS CONCERNING the same, including letters to and from elected officials,  
25 veterans service officers, and the press.

26 Response: Objection, vague and ambiguous in the meaning of “ failure or delay in  
27 providing medical diagnosis or treatment.” Defendants understand this RFP to seek documents  
28 describing aggregate studies of delay in providing medical diagnosis or treatment to a veteran

1 claiming he has PTSD. Individual Claim File Relevance and Burdensomeness Objection.  
2 Individual Medical Care Relevance and Burdensomeness Objection. “Communication”  
3 Definition Overbreadth Objection “Meeting” Definition Overbreadth Objection Privacy Act  
4 Objection Non-objectionable and responsive documents will be produced.

5 **REQUEST FOR PRODUCTION NO. 19:**

6 COMMUNICATIONS between DEFENDANTS and the executive branch, including the  
7 Office of the President of the United States, CONCERNING VA annual budgets and/or  
8 supplemental appropriations between 2002 and present.

9 Response: Objection, these documents are irrelevant since the Court has no authority to  
10 order the Executive or the Legislative branch to order additional appropriations for VA programs.

11 Non-PTSD/Mental Health Overbreadth and Burdensomeness Objection “Communication”  
12 Definition Overbreadth Objection Non-VA Defendant Relevance Objection Deliberative  
13 Process Objection Attorney-Client and Attorney Work Product Objection

14 **REQUEST FOR PRODUCTION NO. 20:**

15 Policies, practices or procedures CONCERNING implementation of or compliance or  
16 noncompliance with the two-year medical care statute identified in Paragraph 91 of the  
17 Complaint.

18 Response: See Non-PTSD/Mental Health Overbreadth and Burdensomeness Objection.

19 Individual Claim File Relevance and Burdensomeness Objection. VA Rule Relevance and  
20 Burdensomeness Objection Privacy Act Objection Publically-Available Documents Objection  
21 Deliberative Process Objection Attorney-Client and Attorney Work Product Objection Non-

22 objectionable and responsive documents will be produced. See also Response to RFP 91

23 **REQUEST FOR PRODUCTION NO. 21:**

24 The grant rate for PTSD claims at the regional office level, BVA, CAVC, and/or Federal  
25 Circuit between 2000 and present, with the date sorted by combined degree of disability (CDD)  
26 in increments of 10 percent from 000 to 100.

27 Response: See Consolidated Response to RFPs 1-2; 4-17; 21; 96; 97; 117; 127; 187;

28 189.

1 **REQUEST FOR PRODUCTION NO. 22:**

2 Reports, papers, research and studies CONCERNING PTSD by the National Center for  
3 Post-Traumatic Stress Disorder.

4 Response: Individual Medical Care Relevance and Burdensomeness Objection  
5 Deliberative Process Objection Publically-Available Documents Objection Non-objectionable  
6 and responsive documents will be produced.

7 **REQUEST FOR PRODUCTION NO. 23:**

8 The filing and/or allegations contained in the Complaint herein, and any amended  
9 complaints, if any.

10 Response: Objection, overbroad, vague and ambiguous. Attorney-Client and Attorney  
11 Work Product Objection Deliberative Process Objection CAVC Objection. Non-objectionable  
12 and relevant documents the mention plaintiffs or plaintiffs' counsel will be produced in response  
13 to other requests.

14 **REQUEST FOR PRODUCTION NO. 24:**

15 The discharge of soldiers from the Iraq or Afghanistan theaters of combat based upon the  
16 alleged existence of a personality disorder, and policies and procedures related to personality  
17 disorder discharges ("PDDs"), and all MEETINGS and COMMUNICATIONS CONCERNING  
18 the same.

19 Response: Individual Claim File Relevance and Burdensomeness Objection Non-VA  
20 Defendant Relevance Objection VA Rule Relevance and Burdensomeness Objection Non-  
21 PTSD/Mental Health Overbreadth and Burdensomeness Objection Individual Medical Care  
22 Relevance and Burdensomeness Objection Deliberative Process Objection Objection, decisions  
23 on personality disorder discharges by DOD are not relevant to plaintiffs' claims against the VA.

24 **REQUEST FOR PRODUCTION NO. 25:**

25 COMMUNICATIONS between Defendants and the Department of the Army or the  
26 Department of Defense CONCERNING the subject of personality disorder discharges.

27 Response: Individual Claim File Relevance and Burdensomeness Objection VA Rule  
28 Relevance and Burdensomeness Objection Deliberative Process Objection Non-VA Defendant

1 Relevance Objection Objection, decisions on personality disorder discharges by DOD are not  
2 relevant to plaintiffs' claims against the VA. Non-objectionable and responsive documents will  
3 be produced.

4 **REQUEST FOR PRODUCTION NO. 26:**

5 The VA's acceptance or non-acceptance of Personality Disorder Discharges from the  
6 military branches for purposes of determining a veteran's or veterans' eligibility for medical care  
7 and/or SCDDC for PTSD.

8 Response: Individual Claim File Relevance and Burdensomeness Objection VA Rule  
9 Relevance and Burdensomeness Objection Non-PTSD/Mental Health Overbreadth and  
10 Burdensomeness Objection Individual Medical Care Relevance and Burdensomeness Objection  
11 Deliberative Process Objection Non-VA Defendant Relevance Objection Objection, decisions  
12 on personality disorder discharges by DOD are not relevant to plaintiffs' claims against the VA.  
13 Non-objectionable and responsive documents will be produced.

14 **REQUEST FOR PRODUCTION NO. 27:**

15 The diagnosis, epidemiology, assessment, treatment, co-morbidities, treatment outcomes,  
16 and/or psychopharmacology of PTSD in general and/or as handled by the VA.

17 Response: Individual Claim File Relevance and Burdensomeness Objection. Individual  
18 Medical Care Relevance and Burdensomeness Objection Privacy Act Objection Non-  
19 objectionable and responsive documents will be produced.

20 **REQUEST FOR PRODUCTION NO. 28:**

21 The two VA-10M contracts of PTSD.

22 Response: Defendants understand this RFP to refer to Contract No. V101(93)P-2136,  
23 Task Order No. 9, entitled Treatment of Posttraumatic Stress Disorder: Diagnosis and  
24 Assessment. Deliberative Process Objection Publically-Available Documents Objection Non-  
25 objectionable and responsive documents will be produced.

26 **REQUEST FOR PRODUCTION NO. 29:**

27 Efforts or attempts by Defendants to have PTSD removed, changed, or reclassified as a  
28 disorder under any edition of the DSM and/or in any other context.

1            Response: Objection, documents created or obtained by VA employees who served in  
2 their individual capacities on any non-federal government organization relevant to changes in the  
3 DSM criteria are not VA agency records responsive to this request. Publically-Available  
4 Documents Objection Deliberative Process Objection Non-objectionable and responsive  
5 documents will be produced.

6 **REQUEST FOR PRODUCTION NO. 30:**

7            The interpretation or application of regulations pertaining to personality disorder  
8 discharges, including Army Regulation 635-200, Chapter 5-13 (Separation Because of  
9 Personality Disorder), Navy Military Personnel Manual 1910-122, Marine Corps Separation and  
10 Retirement Manual Chapter 6, Section 2, Subsection 6203, Air Force Regulation AFI 36-3208, or  
11 any similar DoD regulations, including DoD Directive 133.2.14 (December 21, 1993).

12            Response: Objection, ambiguous as to the meaning of "interpretation or application of  
13 regulations pertaining to personality disorder discharges." We interpret this to mean VA's  
14 interpretation of the administrative separation regulations of the Department of Defense (DoD)  
15 and the various military service departments concerning personality disorder discharges. VA  
16 does not review the administrative separation regulations of either DoD or the service  
17 departments, Non-VA Defendant Relevance Objection VA Rule Relevance and  
18 Burdensomeness Objection Individual Claim File Relevance and Burdensomeness Objection  
19 Deliberative Process Objection

20 **REQUEST FOR PRODUCTION NO. 31:**

21            The IDENTITY and claim files for all veterans with PTSD claims or symptoms who have  
22 asserted that their consent to personality disorder discharges was not knowing or voluntary, and  
23 all COMMUNICATIONS CONCERNING the same.

24            Response: Objection, vague and ambiguous in that defendants cannot know which former  
25 service members "asserted that their consent to personality disorder discharges was not knowing  
26 and voluntary," and additionally all personality disorder discharges are, by their nature,  
27 involuntary. Defendants interpret this request to seek some, unspecified documents from the  
28 claim files of veterans with PTSD who received a personality disorder discharge. Individual

1 Claim File Relevance and Burdensomeness Objection Individual Medical Care Relevance and  
2 Burdensomeness Objection “Communication” Definition Overbreadth Objection Privacy Act  
3 Objection

4 **REQUEST FOR PRODUCTION NO. 32:**

5 The complete claim files of the veterans listed on Attachment "A."

6 Response: Individual Claim File Relevance and Burdensomeness Objection Privacy Act  
7 Objection

8 **REQUEST FOR PRODUCTION NO. 33:**

9 Diagnostic criteria for PTSD applied by the VA, and all changes since 2004.

10 Response: Non-objectionable and responsive documents will be produced.

11 **REQUEST FOR PRODUCTION NO. 34:**

12 Screening protocols or checklists for PTSD prepaid, received or used by the VA, and all  
13 changes made since 2004.

14 Response: “Policies, practices and procedures” Objection Objection, vague and  
15 ambiguous in the meaning of “[s]creening protocols or checklists for PTSD prepaid, received or  
16 used by the VA.” Defendants understand this RFP to seek documents describing Screening  
17 protocols or checklists for PTSD prepared, received or used by the VA. Non-objectionable and  
18 responsive documents will be produced.

19 **REQUEST FOR PRODUCTION NO. 35:**

20 Statistical data and reports concerning suicides or attempted suicides by veterans with  
21 PTSD or other mental health disorders, the VA's policies or practices CONCERNING suicide or  
22 threatened suicides, and all MEETINGS and COMMUNICATIONS CONCERNING the same.

23 Response: Individual Claim File Relevance and Burdensomeness Objection Privacy Act  
24 Objection Deliberative Process Objection Individual Medical Care Relevance and  
25 Burdensomeness Objection “Communication” Definition Overbreadth Objection “Meeting”  
26 Definition Overbreadth Objection Non-objectionable and responsive documents were produced  
27 to plaintiffs on February 4, 2008; additional non-objectionable and responsive documents  
28 identified by defendants will be produced.

1 **REQUEST FOR PRODUCTION NO. 36:**

2 Survey or statistical data or reports concerning unreported or under-reported cases of  
3 PTSD or mental health disorders amongst veterans and the reasons or explanations for the same.

4 Response: Individual Claim File Relevance and Burdensomeness Objection Privacy Act  
5 Objection Publically-Available Documents Objection Non-objectionable and responsive  
6 documents will be produced.

7 **REQUEST F OR PRODUCTION NO. 37:**

8 Congressional testimony by YOU concerning PTSD and drafts, reports, correspondence,  
9 summaries, and comments CONCERNING the same.

10 Response: Deliberative Process Objection Non-VA Defendant Relevance Objection  
11 Non-objectionable and responsive documents will be produced.

12 **REQUEST FOR PRODUCTION NO. 38:**

13 The claim files and death certificates of all veterans who have attempted suicide or  
14 committed suicide since January 1, 2000.

15 Response: Individual Claim File Relevance and Burdensomeness Objection Privacy Act  
16 Objection Individual Medical Care Relevance and Burdensomeness Objection

17 **REQUEST FOR PRODUCTION NO. 39:**

18 The availability or lack of availability of medical care and treatment for veterans with  
19 symptoms of or a diagnosis of PTSD or other mental disorders at each VA outpatient clinic and  
20 hospital.

21 Response: Objection, vague, ambiguous and overbroad in the use of the phrase  
22 “availability or lack of availability of medical care and treatment for veterans.” Defendants  
23 understand this RFP to seek documents describing aggregate studies of availability and lack of  
24 availability of medical care and treatment for veterans with symptoms of or a diagnosis of PTSD  
25 or other mental disorders. Individual Claim File Relevance and Burdensomeness Objection  
26 Privacy Act Objection Individual Medical Care Relevance and Burdensomeness Objection Non-  
27 objectionable and responsive documents will be produced.

28 **REQUEST FOR PRODUCTION NO. 40:**

1 Protocols and procedures for the exchange of information between the VBA and the VHA  
2 CONCERNING veterans filing SCDDC claims based on PTSD, and all MEETINGS and  
3 COMMUNICATIONS CONCERNING the same.

4 Response: VA Rule Relevance and Burdensomeness Objection Individual Claim File  
5 Relevance and Burdensomeness Objection Privacy Act Objection “Policies, practices and  
6 procedures” Objection “Communication” Definition Overbreadth Objection “Meeting”  
7 Definition Overbreadth Objection Non-objectionable and responsive documents will be  
8 produced. Responsive documents will be produced.

9 **REQUEST FOR PRODUCTION NO. 41:**

10 Assessments, audits, analyses, critiques or evaluations of the VHA's health care system  
11 for PTSD and other mental health disorders.

12 Response: Publically-Available Documents Objection Deliberative Process Objection.  
13 Non-privileged and responsive documents will be produced.

14 **REQUEST FOR PRODUCTION NO. 42:**

15 The incidence and manifestations of PTSD or mental health disorders amongst members  
16 of the Reserves called to active duty in Iraq or Afghanistan, including, without limitation,  
17 veterans' under VA or private care, and YOUR tracking of medical problems experienced by  
18 members of the Reserves who served in OEF/OIF.

19 Response: Individual Claim File Relevance and Burdensomeness Objection. Privacy Act  
20 Objection Non-PTSD/Mental Health Overbreadth and Burdensomeness Objection Individual  
21 Medical Care Relevance and Burdensomeness Objection Non-VA Defendant Relevance  
22 Objection Non-privileged and responsive documents will be produced.

23 **REQUEST FOR PRODUCTION NO. 43:**

24 The complete investigation and prosecution files regarding Lawrence Gottfried and Jill  
25 Rygalski, as identified in Paragraphs 231 and 232 of the Complaint, and any other persons  
26 known or suspected to have tampered with or destroyed any document or portion of a veteran's  
27 claim file.

28 Response: Objection, irrelevant in that the Gottfried/Rygalski incident was an isolated

1 and unusual incident of VA employee misconduct, occurring approximately 15 years ago, and  
2 hence has no relevance to plaintiffs' claims herein. Individual Claim File Relevance and  
3 Burdensomeness Objection Privacy Act Objection.

4 **REQUEST FOR PRODUCTION NO. 44:**

5 The IDENTITY of all veterans whose claims were affected by the illegal actions of  
6 Lawrence Gottfried or Jill Rygalski, as described in the Complaint, and the claim files of each.

7 Response: Objection, irrelevant in that the Gottfried/Rygalski incident was an isolated  
8 and unusual incident of VA employee misconduct, occurring approximately 15 years ago, and  
9 hence has no relevance to plaintiffs' claims herein. Individual Claim File Relevance and  
10 Burdensomeness Objection Privacy Act Objection

11 **REQUEST FOR PRODUCTION NO. 45:**

12 The complete investigation files of the Department of Justice and the VA relating to Jill  
13 Rygwalski and Lawrence Gottfried, and any similar investigations of other VA employees.

14 Response: Objection, irrelevant in that the Gottfried/Rygalski incident was an isolated  
15 and unusual incident of VA employee misconduct, occurring approximately 15 years ago, and  
16 hence has no relevance to plaintiffs' claims herein. Individual Claim File Relevance and  
17 Burdensomeness Objection Privacy Act Objection Non-VA Defendant Relevance Objection

18 **REQUEST FOR PRODUCTION NO. 46:**

19 The complete investigation and prosecution files of all other VA employees known or  
20 suspected to have tampered with or destroyed documents in VA claim files.

21 Response: Objection vague and ambiguous in the meaning of "tampered with or  
22 destroyed documents." Defendants understand this RFP to seek documents describing formal  
23 investigations of allegations, supported by serious and credible evidence, that VA employees  
24 destroyed or altered official agency records in violation of statute, regulation or established VA  
25 policy. Subject to that interpretation, defendants object as irrelevant and unduly burdensome  
26 except as to: (1) documents related to a formal investigation by VA's Office of Inspector General  
27 of an employee who is alleged to have improperly destroyed or altered official agency records;  
28 and (2) any other formal investigation initiated by a VA employee with authority to discipline the

1 employee who is alleged to have improperly destroyed or altered official agency records. Law  
2 Enforcement Privilege objection. “Communication” Definition Overbreadth Objection  
3 “Meeting” Definition Overbreadth Objection Non-objectionable and responsive documents will  
4 be produced.

5 **REQUEST FOR PRODUCTION NO. 47:**

6 Regarding bonuses to management level VA employees, the bonus amounts, names of  
7 recipients, dates of awards, supporting justifications of awards, and name of person who signed  
8 the approval of award between 2002 and present.

9 Response: Objection, notwithstanding defendants’ timeframe overbreadth objection,  
10 unduly burdensome and irrelevant except as to any bonus awarded from January 1, 2007 to the  
11 present. Objection as unduly burdensome and irrelevant except as to any bonus paid to  
12 employees of the VA responsible for adjudicating claims for benefits and processing claims for  
13 medical care. Privacy Act Objection. Deliberative Process Objection Non-objectionable and  
14 responsive documents will be produced.

15 **REQUEST FOR PRODUCTION NO. 48:**

16 The criteria for the award of incentive bonuses to VA employees and productivity or  
17 performance goals, standards, data, and reports.

18 Response: Objection, vague and ambiguous in the meaning of “performance goals,  
19 standards, data and reports”. Defendants interpret this phrase to refer to performance standards  
20 and goals employees of the VA responsible for adjudicating claims for benefits and processing  
21 claims for medical care. Objection, notwithstanding defendants’ timeframe overbreadth  
22 objection, unduly burdensome and irrelevant except as to any bonus awarded from January 1,  
23 2007 to the present. Objection as unduly burdensome and irrelevant except as to any bonus paid  
24 to employees of the VA responsible for adjudicating claims for benefits and processing claims  
25 for medical care. Privacy Act Objection. Deliberative Process Objection Non-objectionable and  
26 responsive documents will be produced.

27 **REQUEST FOR PRODUCTION NO. 49:**

28 The minimum qualifications for each class or type of VA mental health specialist or

1 professional.

2 Response: Non-PTSD/Mental Health Overbreadth and Burdensomeness Objection Non-  
3 objectionable and responsive documents will be produced.

4 **REQUEST FOR PRODUCTION NO. 50:**

5 Errors or erroneous practices regarding the tracking or recording of dates CONCERNING  
6 veteran health care appointments as shown in the Patient Appointment Information System, all  
7 corrections made thereto, and MEETINGS and COMMUNICATIONS CONCERNING the  
8 same.

9 Response: Objection, vague and ambiguous in the meaning of “erroneous practices.”  
10 Defendants understand this RFP to seek documents relating to systemic or widespread errors in  
11 the PAIS database. Non-PTSD/Mental Health Overbreadth and Burdensomeness Objection  
12 “Communication” Definition Overbreadth Objection “Meeting” Definition Overbreadth  
13 Objection Computer Inspection Burdensomeness and Relevance Objection Individual Claim  
14 File Relevance and Burdensomeness Objection Privacy Act Objection. Non-objectionable and  
15 responsive documents will be produced.

16 **REQUEST FOR PRODUCTION NO. 51:**

17 All data fields, definitions, and operational manuals CONCERNING databases used by  
18 the VA relating to the adjudication of PTSD claims including, without limitation, any and all  
19 original claims, appeals at regional offices, appeals at the BVA, appeals to the CAVC, and the  
20 delivery of health care to veterans at VA hospitals or outpatient clinics.

21 Response: Objection, irrelevant. Notwithstanding that objection, where defendants  
22 provide plaintiffs with electronic data from VA databases, defendants will provide plaintiffs with  
23 operational manuals and similar documentation for such databases. Computer Inspection  
24 Burdensomeness and Relevance Objection

25 **REQUEST FOR PRODUCTION NO. 52:**

26 All data fields, definitions, and operational manuals CONCERNING databases used by  
27 the VA regarding the timing and disposition of veteran appeals by the BVA, including, without  
28 limitation, the Veterans Appeals Control and Locator System.

1            Response: Objection, irrelevant. Notwithstanding that objection, where defendants  
2 provide plaintiffs with electronic data from VA databases, defendants will provide plaintiffs with  
3 operational manuals and similar documentation for such databases. Computer Inspection

4 Burdensomeness and Relevance Objection

5 **REQUEST FOR PRODUCTION NO. 53:**

6            Patterns or examples of abuse of the VA's record purpose disallowance procedure, and all  
7 MEETINGS and COMMUNICATIONS CONCERNING the same.

8            Response: Objection, irrelevant as to information concerning record purpose  
9 disallowances is irrelevant because it exists only in a VA manual implementing instructions for  
10 education benefit programs assigned to the Education Service and, is irrelevant to the issues in  
11 this litigation Non-PTSD/Mental Health Overbreadth and Burdensomeness Objection

12 Individual Claim File Relevance and Burdensomeness Objection Privacy Act Objection

13 "Policies, practices and procedures" Objection "Communication" Definition Overbreadth

14 Objection "Meeting" Definition Overbreadth Objection

15 **REQUEST FOR PRODUCTION NO. 54:**

16            Record purpose disallowance or any denial of a SCDDC claim based upon the claimant's  
17 failure to provide information requested by the VA within a specified time period.

18            Response: Objection, irrelevant as to information concerning record purpose  
19 disallowances is irrelevant because it exists only in a VA manual implementing instructions for  
20 education benefit programs assigned to the Education Service and, is irrelevant to the issues in  
21 this litigation Non-PTSD/Mental Health Overbreadth and Burdensomeness Objection

22 Individual Claim File Relevance and Burdensomeness Objection Privacy Act Objection

23 "Policies, practices and procedures" Objection

24 **REQUEST FOR PRODUCTION NO. 55:**

25            Studies, audits, or reports CONCERNING problems or issues associated with remands of  
26 SCDDC claims by the BVA or CAVC, including, without limitation, delays or improper claim  
27 development by VA regional offices, failing to address and correct continuing failures of the  
28 regional offices to make the same or similar errors, and the issue of multiple remands respecting

1 the same claim or same veteran.

2 Response: CAVC Objection Non-PTSD/Mental Health Overbreadth and  
3 Burdensomeness Objection Deliberative Process Objection Responsive documents will be  
4 produced.

5 **REQUEST FOR PRODUCTION NO. 56:**

6 Allegations or evidence of retaliation against VA employees or witnesses, including,  
7 without limitation, any release of information or speech activities CONCERNING the VA,  
8 medical care and treatment for veterans or the adjudication of SCDDC claims.

9 Response: Objection, unduly burdensome in the absence of a showing by plaintiffs that  
10 there have in fact been acts of retaliation against VA employees or witnesses.

11 **REQUEST FOR PRODUCTION NO. 57:**

12 The institution or conduct of special or supplemental reviews of SCDDC claims by the  
13 VA Central Office, including reviews of approvals of grant or denial of service connection for  
14 PTSD or TDIU, "second signature" requirements, or special review of prior grants of service  
15 connection, and all MEETINGS and COMMUNICATIONS CONCERNING the same.

16 Response: Non-PTSD/Mental Health Overbreadth and Burdensomeness Objection  
17 “Communication” Definition Overbreadth Objection Individual Claim File Relevance and  
18 Burdensomeness Objection Privacy Act Objection “Policies, practices and procedures”  
19 Objection Communication” Definition Overbreadth Objection “Meeting” Definition  
20 Overbreadth Objection Deliberative Process Objection Non-objectionable and responsive  
21 documents will be produced.

22 **REQUEST FOR PRODUCTION NO. 58:**

23 Document preservation instructions and measures based upon the filing of this action, any  
24 reported violations of such instructions or measures, and all COMMUNICATIONS  
25 CONCERNING the same.

26 Response: Objection, irrelevant to plaintiffs claims relating to the processing of claims  
27 for benefits by veterans. Attorney-Client and Attorney Work Product Objection

28 **REQUEST FOR PRODUCTION NO. 59:**

1 Congressional inquiries regarding the care or treatment of SCDDC claims of veterans  
2 with PTSD or mental health disorders and all responses to the same.

3 Response: Deliberative Process Privilege Objection, unduly burdensome if defendants are  
4 required to search every Congressional correspondence file. Non-objectionable and responsive  
5 documents will be produced.

6 **REQUEST FOR PRODUCTION NO. 60:**

7 Any analysis of possible measures to reduce VA budget outlays for SCDDC and/or  
8 mental health care, including re-review of previously granted SCDDC or PTSD claims, and  
9 changes in eligibility, substantive requirements or rating criteria.

10 Response: Non-PTSD/Mental Health Overbreadth and Burdensomeness Objection  
11 Deliberative Process Privilege Non-objectionable and responsive documents will be produced.

12 **REQUEST FOR PRODUCTION NO. 61:**

13 Instances of alleged or confirmed misconduct or improper actions by a VA employee,  
14 regarding productivity, production or timeliness respecting a veteran or a veteran's claim,  
15 including, without limitation, dismissals or disciplinary action taken.

16 Response: Objection, vague and ambiguous in the meaning of “alleged or confirmed  
17 misconduct or improper actions by a VA employee, regarding productivity, production or  
18 timeliness respecting a veteran or a veteran's claim.” Defendants understand this RFP to seek  
19 documents describing allegations supported by serious and credible evidence that VA employees  
20 violated laws, regulations or established agency policy in processing a veteran’s claim for  
21 monetary benefits or medical care due to a claim of PTSD. Non-PTSD/Mental Health  
22 Overbreadth and Burdensomeness Objection. Individual Claim File Relevance and  
23 Burdensomeness Objection Privacy Act Objection Non-objectionable and responsive  
24 documents will be produced. .

25 **REQUEST FOR PRODUCTION NO. 62:**

26 Disputes between any Union and the VA concerning alleged misconduct regarding the  
27 productivity, production and timeliness of VA employees.

28 Response: Objection, vague and ambiguous in the meaning of “alleged misconduct

1 regarding the productivity, production and timeliness.” Defendants understand this RFP to seek  
2 documents describing allegations supported by serious and credible evidence that VA employees  
3 violated laws, regulations or established agency policy in processing a veteran’s claim for  
4 monetary benefits or medical care due to a claim of PTSD. Non-PTSD/Mental Health  
5 Overbreadth and Burdensomeness Objection. Individual Claim File Relevance and  
6 Burdensomeness Objection Privacy Act Objection Non-objectionable and responsive  
7 documents will be produced.

8 **REQUEST FOR PRODUCTION NO. 63:**

9 Changes or proposed changes in the requirements or rules for attorneys or agents to  
10 practice before the VA, BVA or CAVC, and all MEETINGS and COMMUNICATIONS  
11 CONCERNING the same.

12 Response: VA Rule Relevance and Burdensomeness Objection Non-PTSD/Mental  
13 Health Overbreadth and Burdensomeness Objection “Policies, practices and procedures”  
14 Objection “Communication” Definition Overbreadth Objection “Meeting” Definition  
15 Overbreadth Objection

16 **REQUEST FOR PRODUCTION NO. 64:**

17 The VA's investigation and actions taken in response to claims of malpractice or other  
18 veterans' complaints about service officers or representatives.

19 Response: Objection, vague and ambiguous in the meaning of “claims of malpractice.”  
20 Defendants understand this RFP to seek documents describing documents related to any  
21 complaint that resulted in an inquiry pursuant to 38 C.F.R. § 14.633. VA Rule Relevance and  
22 Burdensomeness Objection Non-PTSD/Mental Health Overbreadth and Burdensomeness  
23 Objection Individual Medical Care Relevance and Burdensomeness Objection Privacy Act  
24 Objection

25 **REQUEST FOR PRODUCTION NO. 65:**

26 The VA's central office's supervision, statistical analysis of, or monitoring of grants of  
27 service connection for PTSD and appeals of PTSD grant decision or requests for increased  
28 ratings at its regional offices and all actions taken with respect to regional offices exhibiting

1 higher than average grant rates or any perceived statistical abnormalities.

2 Response: Objection, vague and ambiguous. Defendants understand this RFP to seek  
3 documents related to VA central office's oversight and supervising of determinations by regional  
4 offices as to service connectedness in the case of PTSD claims. Individual Claim File Relevance  
5 and Burdensomeness Objection Deliberative Process Objection Non-objectionable and  
6 responsive documents will be produced.

7 **REQUEST FOR PRODUCTION NO. 66:**

8 The substantive content of application and problems experienced with the Clinician's  
9 Guide provisions regarding PTSD, including, without limitation, Chapter 14 regarding PTSD.

10 Response: Objection, vague and ambiguous in the meaning of "[t]he substantive content  
11 of application and problems experienced with the Clinician's Guide provisions regarding PTSD."  
12 Defendants understand this RFP to seek documents related to any problems in the application of  
13 Clinician's Guide to PTSD claims. Individual Claim File Relevance and Burdensomeness  
14 Objection Privacy Act Objection Deliberative Process Objection Non-objectionable and  
15 responsive documents will be produced.

16 **REQUEST FOR PRODUCTION NO. 67:**

17 The production or productivity standards, goals, or requirements for personnel involved  
18 in deciding SCDDC claims at regional offices and at the BVA, and for employees assigned to  
19 provide health care for veterans and all MEETINGS and COMMUNICATIONS CONCERNING  
20 the same.

21 Response: Objection, overbroad, unduly burdensome and irrelevant except as  
22 performance standards, job descriptions, criteria for performance awards and similar documents  
23 for VA staff deciding SCDDC claims, and health care claims. Individual Claim File Relevance  
24 and Burdensomeness Objection Deliberative Process Objection Non-PTSD/Mental Health  
25 Overbreadth and Burdensomeness Objection "Communication" Definition Overbreadth  
26 Objection "Meeting" Definition Overbreadth Objection Non-objectionable and responsive  
27 documents will be produced.

28 **REQUEST FOR PRODUCTION NO. 68:**

1 Studies, reports, analyses, or predictions of the number and percentages of existing and  
2 future veterans from OEF/OIF likely to file SCDDC and or PTSD claims.

3 Response: Deliberative Process Objection Non-PTSD/Mental Health Overbreadth and  
4 Burdensomeness Objection Publically-Available Documents Objection Non-VA Defendant  
5 Relevance Objection Non-objectionable and responsive documents will be produced.

6 **REQUEST FOR PRODUCTION NO. 69:**

7 Studies, reports, analyses or predictions of the numbers and percentages of veterans from  
8 OEF/OIF likely to seek health care for PTSD or other mental health disorders.

9 Response: Deliberative Process Objection Non-PTSD/Mental Health Overbreadth and  
10 Burdensomeness Objection Publically-Available Documents Objection Non-VA Defendant  
11 Relevance Objection Non-objectionable and responsive documents will be produced.

12 **REQUEST FOR PRODUCTION NO. 70:**

13 The adequacy of past, present and future staffing levels at the DVB and VHA to handle  
14 anticipated numbers of returned or returning OEF/OIF veterans, and all MEETINGS and  
15 COMMUNICATIONS CONCERNING the same.

16 Response: Deliberative Process Objection Non-PTSD/Mental Health Overbreadth and  
17 Burdensomeness Objection “Communication” Definition Overbreadth Objection “Meeting”  
18 Definition Overbreadth Objection Non-objectionable and responsive documents will be  
19 produced.

20 **REQUEST FOR PRODUCTION NO. 71:**

21 Reports, studies, information and examples of the issuance of less than honorable  
22 discharges to soldiers exhibiting symptoms of PTSD or mental health disorders by the armed  
23 services, and/or their eligibility for SCDDC and VA medical care.

24 Response: Objection, irrelevant in that actions by DOD in issuing less than honorable  
25 discharges are irrelevant to decisions by VA on SCDDC claims and request for medical care.  
26 Individual Claim File Relevance and Burdensomeness Objection Deliberative Process Objection  
27 Non-PTSD/Mental Health Overbreadth and Burdensomeness Objection Privacy Act Objection  
28 Non-VA Defendant Relevance Objection Non-objectionable and responsive documents will be

1 produced.

2 **REQUEST FOR PRODUCTION NO. 72:**

3 Any link between PTSD and violent or illegal behavior or conduct by soldiers, including  
4 reports, studies, information and examples.

5 Response: Objection, irrelevant as the VA provides care to veterans not “soldiers.”

6 Individual Claim File Relevance and Burdensomeness Objection Privacy Act Objection Non-  
7 VA Defendant Relevance Objection Deliberative Process Objection Non-objectionable and  
8 responsive documents will be produced.

9 **REQUEST FOR PRODUCTION NO. 73:**

10 Data CONCERNING the incidence of, estimates, projections or instances of suicides and  
11 attempted suicides amongst OIF/OEF veterans.

12 Response: Individual Claim File Relevance and Burdensomeness Objection Privacy Act  
13 Objection Deliberative Process Objection Non-objectionable and responsive documents were  
14 produced to plaintiffs on February 4, 2008; additional documents will be produced if and when  
15 they are located.

16 **REQUEST FOR PRODUCTION NO. 74:**

17 MEETINGS and COMMUNICATIONS within the VA or between the VA and any third  
18 party CONCERNING the June 2007 Report of the Department of Defense Task Force on Mental  
19 Health.

20 Response: Non-PTSD/Mental Health Overbreadth and Burdensomeness Objection  
21 Communication” Definition Overbreadth Objection “Meeting” Definition Overbreadth  
22 Objection Deliberative Process Objection Non-objectionable and responsive documents will be  
23 produced.

24 **REQUEST FOR PRODUCTION NO. 75:**

25 The DOLE/SHALALA REPORT, and all MEETINGS and COMMUNICATIONS  
26 CONCERNING the same.

27 Response: Communication” Definition Overbreadth Objection “Meeting” Definition  
28 Overbreadth Objection Non-PTSD/Mental Health Overbreadth and Burdensomeness Objection

1 Deliberative Process Objection Non-objectionable and responsive documents will be produced.

2 **REQUEST FOR PRODUCTION NO. 76:**

3 Those DOCUMENTS that mention Plaintiffs or Plaintiffs' Counsel.

4 Response: Objection, irrelevant. Non-PTSD/Mental Health Overbreadth and  
5 Burdensomeness Objection Individual Claim File Relevance and Burdensomeness Objection

6 Privacy Act Objection Individual Medical Care Relevance and Burdensomeness Objection

7 Deliberative Process Objection Attorney-Client and Attorney Work Product Objection Non-  
8 objectionable and relevant documents the mention plaintiffs or plaintiffs' counsel will be  
9 produced in response to other requests.

10 **REQUEST FOR PRODUCTION NO. 77:**

11 The DoD Task Force On Mental Health dated June 2007, and all COMMUNICATIONS  
12 and MEETINGS CONCERNING the same.

13 Response: Non-PTSD/Mental Health Overbreadth and Burdensomeness Objection  
14 Communication” Definition Overbreadth Objection “Meeting” Definition Overbreadth  
15 Objection Deliberative Process Objection Non-objectionable and responsive documents will be  
16 produced.

17 **REQUEST FOR PRODUCTION NO. 78:**

18 Reports I, II, III and IV of the Mental Health Advisory Team (MHAT) for OEF and/or  
19 OIF by the office of the Surgeon General and all COMMUNICATIONS CONCERNING the  
20 same.

21 Response: Objection, irrelevant as these reports deal with mental health issues of active-  
22 duty solders, not veterans. Non-VA Defendant Relevance Objection Communication”  
23 Definition Overbreadth Objection Publically-Available Documents Objection Deliberative  
24 Process Objection Non-objectionable and responsive documents will be produced.

25 **REQUEST FOR PRODUCTION NO. 79:**

26 COMMUNICATIONS and MEETINGS between the Defendants and the Department of  
27 Medicine CONCERNING PTSD or its medical definition, symptoms, rating, diagnosis, or  
28 treatment.

1            Response: Objection, vague and ambiguous in the identification of the “Department of  
2 Medicine. Consequently, defendants are unable to respond to this RFP.

3 **REQUEST FOR PRODUCTION NO. 80:**

4            Plans or proposals to privatize medical care for veterans in general or for PTSD and/or  
5 mental health disorders, and all COMMUNICATIONS CONCERNING the same.

6            Response: Objection, proposals to privatize medical care for veterans in the future are not  
7 relevant to the issues in this litigation. Non-PTSD/Mental Health Overbreadth and  
8 Burdensomeness Objection Deliberative Process Privilege .

9 **REQUEST FOR PRODUCTION NO. 81:**

10            COMMUNICATIONS and MEETINGS of the VA's Seamless Transition Task Force also  
11 known as Task Force on Seamless Transition, as well as minutes, reports, surveys,  
12 recommendations, opinions, projects and working files, and all MEETINGS and  
13 COMMUNICATIONS CONCERNING the same.

14            Response: Non-PTSD/Mental Health Overbreadth and Burdensomeness Objection  
15 Communication” Definition Overbreadth Objection “Meeting” Definition Overbreadth  
16 Objection Deliberative Process Objection. Non-objectionable and responsive documents will be  
17 produced.

18 **REQUEST FOR PRODUCTION NO. 82:**

19            COMMUNICATIONS and MEETINGS between the Defendants and the Congress, other  
20 members of the Bush Administration and/or the VAIG CONCERNING actual or predicted  
21 budget deficits and/or supplemental appropriations for FY 2005, FY 2006, or FY 2007.

22            Response: Objection, Irrelevant, in part because this Court lacks any authority to order  
23 Congress to appropriate funds to meet any perceived deficiencies in providing services to  
24 veterans. Non-PTSD/Mental Health Overbreadth and Burdensomeness Objection  
25 Communication” Definition Overbreadth Objection “Meeting” Definition Overbreadth  
26 Objection Deliberative Process Objection. Notwithstanding that objection, non-objectionable  
27 and relevant documents will be produced.

28 **REQUEST FOR PRODUCTION NO. 83:**

1 Consultant or third-party studies, evaluations or reports CONCERNING mental health  
2 services for veterans, including, but not limited to, services for PTSD, current patient load, claim  
3 load and costs, as well as projected patient load, claim load and costs, and all MEETINGS and  
4 COMMUNICATIONS CONCERNING the same.

5 Response: Objection, overbroad, irrelevant and unduly burdensome except as to  
6 consultants hired or retained by the VA for the express purposes of evaluating VA mental health  
7 services for veterans. Non-PTSD/Mental Health Overbreadth and Burdensomeness Objection  
8 Communication” Definition Overbreadth Objection “Meeting” Definition Overbreadth  
9 Objection Publically-Available Documents Objection Non-objectionable and responsive  
10 documents will be produced.

11 **REQUEST FOR PRODUCTION NO. 84:**

12 COMMUNICATIONS and MEETINGS between DEFENDANTS and Altarum Institute  
13 of Ann Arbor, Michigan CONCERNING mental health services for veterans.

14 Response: Objection, overbroad, irrelevant and unduly burdensome except as to  
15 consultants hired or retained by the VA for the express purposes of evaluating VA mental health  
16 services for veterans. Non-PTSD/Mental Health Overbreadth and Burdensomeness Objection  
17 Communication” Definition Overbreadth Objection “Meeting” Definition Overbreadth  
18 Objection Publically-Available Documents Objection Non-objectionable and responsive  
19 documents will be produced.

20 **REQUEST FOR PRODUCTION NO. 85:**

21 PTSD studies and evaluations of PTSD regulations conducted by the Institute of  
22 Medicine and all COMMUNICATIONS and MEETINGS regarding the same.

23 Response: Non-VA Defendant Relevance Objection “Communication” Definition  
24 Overbreadth Objection “Meeting” Definition Overbreadth Objection Publically-Available  
25 Documents Objection Deliberative Process Objection Non-objectionable and responsive  
26 documents will be produced.

27 **REQUEST FOR PRODUCTION NO. 86:**

28 Rules, practices, regulations, or guidelines CONCERNING how the VA addresses

1 conflicting diagnoses or opinions between doctors or medical personnel employed by the VBA  
2 and the VHA regarding a diagnosis of a mental disorder, including PTSD, and MEETINGS and  
3 COMMUNICATIONS CONCERNING the same.

4 Response: There are no documents responsive to this request.

5 **REQUEST FOR PRODUCTION NO. 87:**

6 COMMUNICATIONS and MEETINGS between Defendants and the Veterans Disability  
7 Benefits Commission CONCERNING SCDDC, medical care for veterans, PTSD or the content  
8 of the Commission's Reports.

9 Response: Non-PTSD/Mental Health Overbreadth and Burdensomeness Objection  
10 “Communication” Definition Overbreadth Objection “Meeting” Definition Overbreadth  
11 Objection Publically-Available Documents Objection Non-objectionable and responsive  
12 documents will be produced.

13 **REQUEST FOR PRODUCTION NO. 88:**

14 The Veterans Disability Benefits Commission Report entitled "Honoring the Call to  
15 Duty," and all COMMUNICATIONS CONCERNING the report and/or its recommendations.

16 Response: Non-PTSD/Mental Health Overbreadth and Burdensomeness Objection  
17 “Communication” Definition Overbreadth Objection “Meeting” Definition Overbreadth  
18 Objection Publically-Available Documents Objection Non-objectionable and responsive  
19 documents will be produced.

20 **REQUEST FOR PRODUCTION NO. 89:**

21 COMMUNICATIONS and MEETINGS CONCERNING the following GAO reports.

22 Response: Non-PTSD/Mental Health Overbreadth and Burdensomeness Objection  
23 “Communication” Definition Overbreadth Objection “Meeting” Definition Overbreadth  
24 Objection Deliberative Process Objection Attorney-Client and Attorney Work Product Objection  
25 VA’s official response to GAO reports is contained as an attachment to each report and hence is  
26 available to the plaintiffs as a public document.

27 **REQUEST FOR PRODUCTION NO. 90:**

28 COMMUNICATIONS and MEETINGS CONCERNING the following VA Inspector

1 General reports.

2 Response: “Communication” Definition Overbreadth Objection “Meeting” Definition  
3 Overbreadth Objection Deliberative Process Objection Attorney-Client and Attorney Work  
4 Product Objection Non-PTSD/Mental Health Overbreadth and Burdensomeness Objection Law  
5 Enforcement Privilege as to certain materials in the files of the VA’s Office of Inspector General  
6 relating to the reports. Non-objectionable and responsive documents will be produced.

7 **REQUEST FOR PRODUCTION NO. 91:**

8 The interpretation and application of the Medical Care Statute as defined in Paragraph 91  
9 of the Complaint, and procedures, policies, guidelines and MEETINGS CONCERNING the  
10 same.

11 Response: Non-PTSD/Mental Health Overbreadth and Burdensomeness Objection  
12 “Policies, practices and procedures” Objection Deliberative Process Objection Attorney-Client  
13 and Attorney Work Product Objection Non-objectionable and responsive documents will be  
14 produced.

15 **REQUEST FOR PRODUCTION NO. 92:**

16 Record retrieval problems and delays relating to the DVA's request of records from the  
17 U.S. Army and Joint Services Records Research Center and other federal agencies or sources in  
18 connection with SCDDC or PTSD claims.

19 Response: “Policies, practices and procedures” Objection Individual Claim File  
20 Relevance and Burdensomeness Objection Privacy Act Objection Non-PTSD/Mental Health  
21 Overbreadth and Burdensomeness Objection Non-objectionable and responsive documents will  
22 be produced.

23 **REQUEST FOR PRODUCTION NO. 93:**

24 The standards, requirements and time frame for the conduct of a Compensation and  
25 Pension examination, as described in paragraphs 98-99 of the Complaint.

26 Response: “Policies, practices and procedures” Objection Individual Claim File  
27 Relevance and Burdensomeness Objection Privacy Act Objection Non-PTSD/Mental Health  
28 Overbreadth and Burdensomeness Objection “Policies, practices and procedures” Objection

1 Non-objectionable and responsive documents will be produced.

2 **REQUEST FOR PRODUCTION NO. 94:**

3 The organizational tree or structure of the DVA, including the DVB, NCA (National  
4 Cemetery Association), Readjustment Counseling Services, VBA, BVA, each outpatient clinic or  
5 hospital, and the IDENTITY of each person holding each position.

6 Response: Non-PTSD/Mental Health Overbreadth and Burdensomeness Objection  
7 Objection, information relating to the National Cemetery Association is irrelevant. Non-  
8 objectionable and responsive documents will be produced.

9 **REQUEST FOR PRODUCTION NO. 95:**

10 Shortcomings, deficiencies, problems, or comments CONCERNING the Rating Guide  
11 and/or its application to PTSD claims, and all MEETINGS and COMMUNICATIONS  
12 CONCERNING the same.

13 Response: Objection, vague and ambiguous in the meaning of “shortcomings,  
14 deficiencies, problems or comments CONCERNING the rating guide.” Defendants understand  
15 this RFP to seek documents describing VA’s policies and procedures for applying the Rating  
16 Guide to PTSD claims. Individual Claim File Relevance and Burdensomeness Objection Privacy  
17 Act Objection “Policies, practices and procedures” Objection “Communication” Definition  
18 Overbreadth Objection “Meeting” Definition Overbreadth Objection Non-objectionable and  
19 responsive documents will be produced.

20 **REQUEST FOR PRODUCTION NO. 96:**

21 The number of appeals, and percentage of claimants seeking a hearing at each stage of the  
22 Complete Claim Cycle Period, as defined in the Complaint, starting with the Regional Office.

23 Response: Consolidated Response to RFPs 1-2; 4-17; 21; 96; 97; 117; 127; 187; 189  
24 Additional response to RFP 96 only: CAVC Objection.

25 **REQUEST FOR PRODUCTION NO. 97:**

26 The number and percentage of SCDDC and PTSD claims remanded by the BVA and  
27 CAVC between 2000 and present.

28 Response: Consolidated Response to RFPs 1-2; 4-17; 21; 96; 97; 117; 127; 187; 189

1 Additional response to RFP 97 only: CAVC Objection Non-PTSD/Mental Health Overbreadth  
2 and Burdensomeness Objection

3 **REQUEST FOR PRODUCTION NO. 98:**

4 The number and content of subpoenas and/or subpoenas *duces tecum* issued by the VA,  
5 and the percentage of claims where subpoenas were issued between 2000 and present.

6 Response: VA Rule Relevance and Burdensomeness Objection Individual Claim File  
7 Relevance and Burdensomeness Objection Privacy Act Objection Objection, irrelevant as to  
8 investigative subpoenas issued by the OIG.

9 **REQUEST FOR PRODUCTION NO. 99:**

10 Audit reports for each regional office, outpatient clinic and hospital, and MEETINGS  
11 and COMMUNICATIONS CONCERNING the same.

12 Response: Non-PTSD/Mental Health Overbreadth and Burdensomeness Objection  
13 “Communication” Definition Overbreadth Objection “Meeting” Definition Overbreadth  
14 Objection Deliberative Process Objection Publically-Available Documents Objection

15 **REQUEST FOR PRODUCTION NO. 100:**

16 COMMUNICATIONS and MEETINGS between Defendants and staff or members of the  
17 House or Senate Veterans Affairs Committees CONCERNING PTSD, SCDDC, the rating guide,  
18 health care for veterans, personality disorder discharges, suicide, and/or adjudication or health  
19 care system delay.

20 Response: Non-PTSD/Mental Health Overbreadth and Burdensomeness Objection VA  
21 Rule Relevance and Burdensomeness Objection “Communication” Definition Overbreadth  
22 Objection “Meeting” Definition Overbreadth Objection Deliberative Process Objection  
23 Attorney-Client and Attorney Work Product Objection Non-objectionable and responsive  
24 documents will be produced.

25 **REQUEST FOR PRODUCTION NO. 101:**

26 Instances in which Defendants failed to spend funds appropriated by Congress for mental  
27 health care and services or medical care for veterans, including, without limitation, the dates,  
28 amounts, and totals.

1           Response: Objection, vague and ambiguous in the meaning of “funds appropriated by  
2 Congress for mental health care and services or medical care for veterans.” Defendants  
3 understand this RFP to seek documents describing VA’s expenditure of funds in appropriations  
4 for fiscal years 2005, 2006 and 2007 either: 1) contained in a lump sum appropriation and  
5 available for mental health care and services or medical care for veterans, but not required to be  
6 spent for those purposes, and 2) directly earmarked for mental health care and services or  
7 medical care for veterans. Non-PTSD/Mental Health Overbreadth and Burdensomeness  
8 Objection Deliberative Process Objection Attorney-Client and Attorney Work Product  
9 Objection Non-objectionable and responsive documents will be produced.

10 **REQUEST FOR PRODUCTION NO. 102:**

11           Suicide prevention, detection, screening, and/or treatment programs administered by  
12 YOU or under contract with YOU.

13           Response: Individual Claim File Relevance and Burdensomeness Objection Privacy Act  
14 Objection Individual Medical Care Relevance and Burdensomeness Objection Deliberative  
15 Process Objection APA Record Review Objection Non-objectionable and responsive documents  
16 were produced to plaintiffs on February 4, 2008; additional documents will be produced if and  
17 when they are located.

18 **REQUEST FOR PRODUCTION NO. 103:**

19           The military records and VA claim files of all veterans known by you to have committed  
20 suicide, including, but not limited to any of the veterans listed on Attachment "A" whose names  
21 are followed by an asterisk.

22           Response: Individual Claim File Relevance and Burdensomeness Objection Privacy Act  
23 Objection Non-VA Defendant Relevance Objection

24 **REQUEST FOR PRODUCTION NO. 104:**

25           The military service and medical records of all military personnel who received  
26 personality disorder discharges between January 1, 2000 and present.

27           Response: Individual Claim File Relevance and Burdensomeness Objection Privacy Act  
28 Objection Non-VA Defendant Relevance Objection

1 **REQUEST FOR PRODUCTION NO. 105:**

2 Studies, analyses, or discussion of the effect of any VA strategic, program, or policy  
3 decisions or alternatives upon the VA budget, and all MEETINGS and COMMUNICATIONS  
4 CONCERNING the same.

5 Response: Objection, vague and ambiguous in the meaning of “ VA strategic, program,  
6 or policy decisions or alternatives.” Defendants understand this RFP to seek documents  
7 describing VA’s budget requests (as contained in the President’s annual budget requests to  
8 Congress) for VBA and VHA programs for FY 2005, 2006, 2007 and 2008. Non-PTSD/Mental  
9 Health Overbreadth and Burdensomeness Objection Deliberative Process Objection  
10 “Communication” Definition Overbreadth Objection “Meeting” Definition Overbreadth  
11 Objection Non-objectionable and responsive documents will be produced.

12 **REQUEST FOR PRODUCTION NO. 106:**

13 The VA's Monthly Performance Reviews from January 1, 2002 to the present.

14 Response: Objection, irrelevant and unduly burdensome except to the extent that such  
15 Performance Reviews relate to the actions of VA employees responsible for adjudicating claims  
16 for benefits and requests for mental health care based upon PTSD. Non-PTSD/Mental Health  
17 Overbreadth and Burdensomeness Objection Deliberative Process Objection Non-objectionable  
18 and responsive documents will be produced.

19 **REQUEST FOR PRODUCTION NO. 107:**

20 Projections, estimates, scenarios, or discussions of the expected changes in the veteran  
21 population as a result of OEF/OIF, including, without limitation, projected impacts upon the VA  
22 budget, adjudication system, and health care delivery system, and all MEETINGS and  
23 COMMUNICATIONS CONCERNING the same.

24 Response: Objection, vague and ambiguous in the meaning of “[p]rojections, estimates,  
25 scenarios, or discussions of the expected changes in the veteran population as a result of  
26 OEF/OIF, including, without limitation, projected impacts upon the VA  
27 budget, adjudication system, and health care delivery system.” Defendants understand this RFP  
28 to seek documents describing VA’s budget requests (as contained in the President’s annual

1 budget requests to Congress) for VBA and VHA programs for FY 2005, 2006, 2007 and 2008.  
2 Non-PTSD/Mental Health Overbreadth and Burdensomeness Objection Communication”  
3 Definition Overbreadth Objection “Meeting” Definition Overbreadth Objection Deliberative  
4 Process Objection Attorney-Client and Attorney Work Product Objection Non-objectionable and  
5 responsive documents will be produced.

6 **REQUEST FOR PRODUCTION NO. 108:**

7 Past, present and future staffing and hiring plans for mental health services for veterans,  
8 including, without limitation, VA regional offices, VA medical centers and outpatient clinics,  
9 and unfilled positions and all MEETINGS and COMMUNICATIONS CONCERNING the same.

10 Response: Non-PTSD/Mental Health Overbreadth and Burdensomeness Objection  
11 Communication” Definition Overbreadth Objection “Meeting” Definition Overbreadth  
12 Objection Deliberative Process Objection Attorney-Client and Attorney Work Product  
13 Objection Non-objectionable and responsive documents will be produced.

14 **REQUEST FOR PRODUCTION NO. 109:**

15 Time frames and/or delays for obtaining stressor verification information regarding PTSD  
16 claims such as deck logs from the Naval Historical Society or military records from the Armed  
17 Services or other repositories.

18 Response: Individual Claim File Relevance and Burdensomeness Objection Privacy Act  
19 Objection Non-objectionable and responsive documents will be produced.

20 **REQUEST FOR PRODUCTION NO. 110:**

21 DOCUMENTS that mention any of the authorities in the Appendix to the Complaint. *See*  
22 Complaint pp. 70-73.

23 Response: Objection, vague and ambiguous in the meaning of “mention.” Defendants  
24 interpret the request to mean any reference to any of the documents, and on that basis, object to  
25 the request as overbroad and unduly burdensome. Non-objectionable and responsive documents  
26 containing a substantive discussion of these requests will be produced in response other RFPs.  
27 VA Rule Relevance and Burdensomeness Objection Non-PTSD/Mental Health Overbreadth and  
28 Burdensomeness Objection Individual Claim File Relevance and Burdensomeness Objection

1 Privacy Act Objection Individual Medical Care Relevance and Burdensomeness Objection

2 **REQUEST FOR PRODUCTION NO. 111:**

3 DOCUMENTS received by or authored by David Chu, Under Secretary for Personnel and  
4 Readiness, U.S. Department of Defense, respecting any proposed reduction of veterans' and  
5 retirees' benefits and/or increases in weapon programs, and all MEETINGS and  
6 COMMUNICATIONS CONCERNING the same.

7 Response: Non-VA Defendant Relevance Objection Non-PTSD/Mental Health  
8 Overbreadth and Burdensomeness Objection Deliberative Process Objection

9 **REQUEST FOR PRODUCTION NO. 112:**

10 Names and the IDENTITY of all Iraq and Afghanistan veterans as maintained as part of  
11 the Gulf War Master Record.

12 Response: Non-VA Defendant Relevance Objection Individual Claim File Relevance  
13 and Burdensomeness Objection Privacy Act Objection

14 **Possible FOR PRODUCTION NO. 113:**

15 The lists, compilations, printouts, or files showing the IDENTITY of Iraq and  
16 Afghanistan war veterans as compiled by the DoD and/or VA between 2000 and present.

17 Response: Objection, overbroad and unduly burdensome in the request for all "files" for  
18 hundreds of thousands of veterans. Non-VA Defendant Relevance Objection Individual Claim  
19 File Relevance and Burdensomeness Objection Privacy Act Objection Non-VA Defendant  
20 Relevance Objection Objection, certain documents responsive to this request may be classified.

21 **REQUEST FOR PRODUCTION NO. 114:**

22 Death certificates for all deceased Iraq and Afghanistan veterans whose cause of death or  
23 contributory cause of death is listed as suicide.

24 Response: Individual Claim File Relevance and Burdensomeness Objection Privacy Act  
25 Objection.

26 **REQUEST FOR PRODUCTION NO. 115:**

27 Copies of all death certificates for veterans, as shown in dependency and indemnity  
28 compensation portion of the CPMR (the Compensation and Pension Service Master Record),

1 including, without limitation, active and terminated records, where such certificates show suicide  
2 or possible suicide as a cause or contributing cause of death.

3 Response: Individual Claim File Relevance and Burdensomeness Objection Privacy Act  
4 Objection

5 **REQUEST FOR PRODUCTION NO. 116:**

6 Projections prepared by Price Waterhouse Coopers, YOUR budget staff, or other contractors  
7 CONCERNING the past, present and/or future number, type, diagnosis, and expenditures associated  
8 with OIF and OEF and SCDDC and/or PTSD claims.

9 Response: Non-PTSD/Mental Health Overbreadth and Burdensomeness Objection  
10 Deliberative Process Objection Attorney-Client and Attorney Work Product Objection Non-  
11 objectionable and responsive documents will be produced.

12 **REQUEST FOR PRODUCTION NO. 117:**

13 Data and information concerning PTSD claims and/or claimants or recipients as stored in the  
14 VETSNET computer system.

15 Response: See Consolidated Response to RFPs 1-2; 4-17; 21; 96; 97; 117; 127; 187;  
16 189. Computer Inspection Burdensomeness and Relevance Objection

17 **REQUEST FOR PRODUCTION NO. 118:**

18 The IDENTITY of all active service members from OIF/OEF that have committed suicide.

19 Response: Individual Claim File Relevance and Burdensomeness Objection, but only as  
20 to material in such claim files if they exist for such service members Privacy Act Objection as to  
21 all such service members After entry of a Court Order authorizing production of Privacy Act-  
22 protected material, defendants will produce the only responsive document of which it is currently  
23 aware, a list of all active duty deaths from non-hostile causes (i.e. suicide and all other causes) from  
24 January 1, 2005 to the present. This document is derived from Office of Service Group Life  
25 Insurance Life Claims Management System.

26 **REQUEST FOR PRODUCTION NO. 119:**

27 A list of all active armed services suicides and computer printouts showing the IDENTITY  
28 of soldiers serving in Iraq and/or Afghanistan and a list of service members or survivors receiving

1 Service Member Group Life Insurance.

2 Response: Individual Claim File Relevance and Burdensomeness Objection, but only as to  
3 material in such claim files if they exist for such service members Privacy Act Objection as to  
4 all such service members After entry of a Court Order authorizing production of Privacy Act-  
5 protected material, defendants will produce the only responsive document of which it is currently  
6 aware, a list of all active duty deaths from non-hostile causes (i.e. suicide and all other causes) from  
7 January 1, 2005 to the present. This document is derived from Office of Service Group Life  
8 Insurance Life Claims Management System.

9 **REQUEST FOR PRODUCTION NO. 120:**

10 Surveys, data, studies, compilations, or analyses of information CONCERNING mental  
11 health problems or disorders amongst OIF and OEF veterans or soldiers.

12 Response: Non-VA Defendant Relevance Objection Publically-Available Documents  
13 Objection vague and ambiguous in the meaning of “[s]urveys, data, studies, compilation, or analyses  
14 of information.” Defendants understand this RFP to seek VA-authored documents describing the  
15 incidence or frequency of PTSD in OIF/OEF veterans, not active-duty service members. Non-  
16 objectionable and responsive documents will be produced.

17 **REQUEST FOR PRODUCTION NO. 121:**

18 VA Monthly Performance Reviews prepared by the Office of Performance Analysis and  
19 Integrity between 2000 and present.

20 Response: Objection, irrelevant and unduly burdensome except to the extent that the  
21 request seeks reports related to the processing of SCDDC claims related to PTSD or other mental  
22 health disorder for OIF/OEF veterans. Non-PTSD/Mental Health Overbreadth and  
23 Burdensomeness Objection Deliberative Process Objection Non-objectionable and responsive  
24 documents will be produced.

25 **REQUEST FOR PRODUCTION NO. 122:**

26 Minutes, summaries, memoranda, and videotapes of regional office director MEETINGS  
27 and teleconferences, and/or the Office of Field Operations.

28 Response: Objection, irrelevant and unduly burdensome except to the extent that such

1 “regional office director MEETINGS and teleconferences and/or Office of Field Operations”  
2 relate to the actions of VA employees responsible for adjudicating claims for benefits and  
3 requests for mental health care for PTSD. Non-PTSD/Mental Health Overbreadth and  
4 Burdensomeness Objection Deliberative Process Objection Non-objectionable and responsive  
5 documents will be produced.

6 **REQUEST FOR PRODUCTION NO. 123:**

7 COMMUNICATIONS and MEETINGS CONCERNING the August 21,2007 Litigation  
8 Hold Memo, including, without limitation, e-mails or other COMMUNICATIONS sent to  
9 Michael G. Daugherty or Christopher McNamee regarding good faith cost estimates and other  
10 information and responses thereto.

11 Response: Objection, irrelevant, as issues relating to how the VA has preserved documents  
12 potentially relevant to this litigation are not, by that fact alone, relevant to the claims and defenses in  
13 this action. “Communication” Definition Overbreadth Objection “Meeting” Definition  
14 Overbreadth Objection Deliberative Process Objection Attorney-Client and Attorney Work  
15 Product Objection

16 **REQUEST FOR PRODUCTION NO. 124:**

17 Allegations, statements, reports, charges or discussions of whether or not the VA applies or  
18 has claim processing quotas for adjudication personnel or quotas or other limitations upon the grant  
19 of SCDDC for PTSD or other disabilities or conditions.

20 Response: Objection, vague and ambiguous in the meaning of “claim processing quotas for  
21 adjudication personnel or quotas or other limitations upon the grant of SCDDC for PTSD or other  
22 disabilities or conditions.” Defendants understand this RFP to seek documents describing  
23 performance standards and position descriptions for employees responsible for claims processing and  
24 documents directly related to how VA oversees and manages its claims processing system for  
25 purposes of productivity, fairness and prevention of fraud. Non-PTSD/Mental Health Overbreadth  
26 and Burdensomeness Objection Deliberative Process Objection Attorney-Client and Attorney  
27 Work Product Objection Non-objectionable and responsive documents will be produced.

28 **REQUEST FOR PRODUCTION NO. 125:**

Case No. C-07-3758-SC

Defendants’ Responses and Objections to VCS and VUFT’s First Set of Requests for Production of Documents

1 Reports, drafts, correspondence, analyses and other COMMUNICATIONS CONCERNING  
2 studies prepared by the Institute for Defense Analyses and/or David Hunter or VA disability or  
3 SCDDC payments, and all MEETINGS and COMMUNICATIONS CONCERNING the same.

4 Response: “Communication” Definition Overbreadth Objection Non-PTSD/Mental  
5 Health Overbreadth and Burdensomeness Objection Non-VA Defendant Relevance Objection  
6 Deliberative Process Objection Non-objectionable and responsive documents will be produced.

7 **REQUEST FOR PRODUCTION NO. 126:**

8 The working files and computer files, including, without limitation, e-mails of all witnesses  
9 listed in the Initial Disclosures of any parties who are or become the subject of deposition notices  
10 and/or subpoenas in this action.

11 Response: Non-PTSD/Mental Health Overbreadth and Burdensomeness Objection Non-  
12 VA Defendant Relevance Objection Deliberative Process Objection Computer Inspection  
13 Burdensomeness and Relevance Objection Attorney-Client and Attorney Work Product  
14 Objection Objection, vague, overbroad and ambiguous. Relevant documents responsive to this  
15 request will be identified and produced pursuant to other RFPs.

16 **REQUEST FOR PRODUCTION NO. 127:**

17 The success rates for VA claims and appeals to the BVA, CAVC, and/or Federal Circuit for  
18 claimants representing themselves compared to claimants represented by veterans service officers,  
19 agents, and attorneys.

20 Response: Objection, vague and ambiguous in the meaning of “success rates for VA claims  
21 and appeals.” Defendants understand this RFP to seek documents describing statistical data  
22 relating to the outcome of claims in appeals. With that understanding, see Consolidated Response  
23 to RFPs 1-2; 4-17; 21; 96; 97; 117; 127; 187; 189. Additional response to RFP 127 only:

24 CAVC Objection

25 **REQUEST FOR PRODUCTION NO. 128:**

26 Those documents identified in Section B of your initial disclosures dated October 18,  
27 2007.

28 Response: CAVC Objection Non-objectionable and responsive documents will be

1 produced.

2 **REQUEST FOR PRODUCTION NO. 129:**

3 Those documents responsive to these requests that are maintained in the personal or working  
4 files of each witness listed on Defendants Initial Disclosures dated October 18, 2007.

5 Response: VA Rule Relevance and Burdensomeness Objection Non-PTSD/Mental  
6 Health Overbreadth and Burdensomeness Objection Individual Medical Care Relevance and  
7 Burdensomeness Objection Deliberative Process Objection Attorney-Client and Attorney Work  
8 Product Objection Privacy Act Objection Computer Inspection Burdensomeness and Relevance  
9 Objection Objection, vague, overbroad and ambiguous. Relevant documents responsive to this  
10 request will be identified and produced pursuant to other RFPs.

11 **REQUEST FOR PRODUCTION NO. 130:**

12 COMMUNICATIONS and MEETINGS CONCERNING the August 27, 2007 C&P  
13 Service "Fast Letter" 07-19 regarding Procedures for Handling Extraordinary Awards

14 Response: "Policies, practices and procedures" Objection "Communication"  
15 Definition Overbreadth Objection "Meeting" Definition Overbreadth Objection Deliberative  
16 Process Objection Attorney-Client and Attorney Work Product Objection Non-objectionable  
17 and responsive documents will be produced.

18 **REQUEST FOR PRODUCTION NO. 131:**

19 Policies, definitions, procedures, applications, decisions, COMMUNICATIONS and/or  
20 MEETINGS CONCERNING extraordinary claims reviews or processes.

21 Response: Objection, vague and ambiguous in the meaning of "extraordinary claims  
22 reviews or processes." Defendants understand this RFP to seek documents describing the  
23 management of the VA claims adjudication process through reviews instituted to reduce fraud  
24 and error and ensure consistency of adjudication. Non-PTSD/Mental Health Overbreadth and  
25 Burdensomeness Objection "Communication" Definition Overbreadth Objection "Meeting"  
26 Definition Overbreadth Objection "Policies, practices and procedures" Objection Deliberative  
27 Process Objection Attorney-Client and Attorney Work Product Objection Non-objectionable and  
28 responsive documents will be produced.

1 **REQUEST FOR PRODUCTION NO. 132:**

2 \_\_\_\_\_ The IDENTITY, number of patients and hours, percentage of patients, reason for, and  
3 types of veteran patients diverted by each and all VA Medical Centers between January 1, 2001,  
4 and the present, and all MEETINGS and COMMUNICATIONS CONCERNING the same.

5 Response: Objection, vague and ambiguous in the meaning of “patients diverted by each  
6 and all VA Medical Centers.” Defendants understand this RFP to seek documents describing  
7 instances where a veteran seeking emergency care at a particular VA facility is directed to  
8 “divert” to another VA or contract medical facility because the veteran cannot be served by the  
9 particular VA facility at that time. Non-PTSD/Mental Health Overbreadth and Burdensomeness  
10 Objection Individual Medical Care Relevance and Burdensomeness Objection Individual Claim  
11 File Relevance and Burdensomeness Objection Privacy Act Objection Privacy Act Objection  
12 Non-objectionable and responsive documents will be produced.

13 **REQUEST FOR PRODUCTION NO. 133:**

14 The diversion of patients by the James A. Haley VA Medical Center and Bay Pines VA  
15 Medical Center, as reported in the *Orlando Sentinel* on or about October 29, 2007.

16 Response: Objection, vague and ambiguous in the meaning of “patients diverted by each  
17 and all VA Medical Centers.” Defendants understand this RFP to seek documents describing  
18 instances where a veteran seeking emergency care at a particular VA facility is directed to  
19 “divert” to another VA or contract medical facility because the veteran cannot be served by the  
20 particular VA facility at that time. Non-PTSD/Mental Health Overbreadth and Burdensomeness  
21 Objection Individual Medical Care Relevance and Burdensomeness Objection Individual Claim  
22 File Relevance and Burdensomeness Objection Privacy Act Objection Privacy Act Objection  
23 Non-objectionable and responsive documents will be produced.

24 **REQUEST FOR PRODUCTION NO. 134:**

25 \_\_\_\_\_ The analysis or study of the timelines of VA outpatient appointments as reported in the  
26 *Charlotte Observer* on or about October 21, 2007, and all MEETINGS and  
27 COMMUNICATIONS CONCERNING the same.

28 Response: Non-PTSD/Mental Health Overbreadth and Burdensomeness Objection At

1 this time, the only document that defendants have identified that is responsive to this request is  
2 an Excel spreadsheet reflecting the data referenced in the *Charlotte Observer* article; this  
3 document will be produced.

4 **REQUEST FOR PRODUCTION NO. 135:**

5 DOCUMENTS otherwise responsive to the requests which YOU produced in response to  
6 FOIA request to the VA or in response to Congressional inquiries or oversight between January  
7 1, 2001, and the present.

8 Response: Objection, overbroad and unduly burdensome; the VA provides thousands of  
9 documents to Congress and the public under the FOIA and Privacy Act each year that are not  
10 relevant to this action. Non-PTSD/Mental Health Overbreadth and Burdensomeness Objection  
11 Individual Claim File Relevance and Burdensomeness Objection Privacy Act Objection  
12 Individual Medical Care Relevance and Burdensomeness Objection Publicly-Available  
13 Documents Objection Deliberative Process Objection Non-objectionable documents responsive to  
14 this request will be identified and produced pursuant to other RFPs.

15 **REQUEST FOR PRODUCTION NO. 136:**

16 \_\_\_\_\_ SMI studies, reports, analyses, hearing transcripts, and MEETING minutes, including  
17 DOCUMENTS not officially published by the committee, and all COMMUNICATIONS and  
18 MEETINGS CONCERNING the same.

19 Response: Defendants understand this RFP to seek documents relating to the VA Care of  
20 Veterans With Serious Mental Illness (SMI) Committee. With that understanding: Deliberative  
21 Process Objection Attorney-Client and Attorney Work Product Objection Non-objectionable and  
22 responsive documents will be produced.

23 **REQUEST FOR PRODUCTION NO. 137:**

24 \_\_\_\_\_ The consideration or issuance by the VA Central Office or Compensation and the Pension  
25 Service of any guidance, rules, regulations (formal or otherwise), or instructions to regional  
26 offices CONCERNING a veteran's use or reliance upon buddy statements, affidavits or  
27 declarations to substantiate any aspect of a PTSD claim, including, without limitation, the  
28 occurrence of events relating to stressors and/or the combat status of a veteran, and all

1 MEETINGS and COMMUNICATIONS CONCERNING the same.

2 Response: Objection, irrelevant to the extent that VA has only considered, but not  
3 adopted, a policy related to buddy statements. VA Rule Relevance and Burdensomeness  
4 Objection Policies, practices and procedures Objection Deliberative Process Objection  
5 “Communication” Definition Overbreadth Objection “Meeting” Definition Overbreadth  
6 Objection Attorney-Client and Attorney Work Product Objection Non-objectionable and  
7 responsive documents will be produced.

8 **REQUEST FOR PRODUCTION NO. 138:**

9 \_\_\_\_\_ Any reports, analyses, COMMUNICATIONS, or DOCUMENTS CONCERNING the  
10 average number of minutes veterans spend with a medical professional during each type of  
11 scheduled visit to receive mental health care, and the patient time requirements, standards,  
12 performance goals for each type of mental health professional.

13 Response: Objection, vague and ambiguous in the meaning of “patient time requirements,  
14 standards, performance goals.” Defendants understand this RFP to seek documents describing  
15 performance and productivity standards for VA mental health professionals such as position  
16 descriptions and similar documents. Individual Claim File Relevance and Burdensomeness  
17 Objection Deliberative Process Objection Non-PTSD/Mental Health Overbreadth and  
18 Burdensomeness Objection “Communication” Definition Overbreadth Objection “Meeting”  
19 Definition Overbreadth Objection Non-objectionable and responsive documents will be  
20 produced. Non-objectionable and responsive documents will be produced.

21 **REQUEST FOR PRODUCTION NO. 139:**

22 \_\_\_\_\_ The CAPRI Technical User Manual for VA computer patient medical records system, and  
23 other DOCUMENTS containing information on how to access a shadow medical file system  
24 maintained by the Compensation & Pension Service (hereafter collectively the “Shadow Medical  
25 File System”), and all user instructions, methodology descriptions, fast letters, and all  
26 MEETINGS and COMMUNICATIONS CONCERNING it, including, without limitation, its  
27 distribution, actual or intended use, period or suspension of use, and compliance or non-  
28 compliance.

1            Response: Objection, vague and ambiguous in the meaning of “shadow medical file  
2 system.” Defendants are unable to respond to this request.

3            **REQUEST FOR PRODUCTION NO. 140:**

4            \_\_\_\_\_ The actual use or potential use of the Shadow Medical File System to take adverse action  
5 against any claimant, including, without limitation, blacklisting, severance of benefits, delays on  
6 decision, denial or delays in rendering health care, or any other adverse action, and all  
7 MEETINGS and COMMUNICATIONS CONCERNING the same.

8            Response: Objection, vague and ambiguous in the meaning of “shadow medical file  
9 system.” Defendants are unable to respond to this request.

10           **REQUEST FOR PRODUCTION NO. 141:**

11           The question of whether YOUR actual or intended use of the Shadow Medical File  
12 System complies with HIPPA and/or the Privacy Act, and all MEETINGS and  
13 COMMUNICATIONS CONCERNING the same.

14           Response: Objection, vague and ambiguous in the meaning of “shadow medical file  
15 system.” Defendants are unable to respond to this request.

16           **REQUEST FOR PRODUCTION NO. 142:**

17           All instances in which the Shadow Medical File System was or may have been used to  
18 alter VA medical records or medical examination results after they had been signed off by the  
19 examiner or other author, and all MEETINGS and COMMUNICATIONS CONCERNING the  
20 same.

21           Response: Objection, vague and ambiguous in the meaning of “shadow medical file  
22 system.” Defendants are unable to respond to this request.

23           **REQUEST FOR PRODUCTION NO. 143:**

24           Your investigation of all claims by veterans alleging the alteration of VA medical records  
25 by employees of the DVB, including, without limitation, using Vista, the Compensation and  
26 Pension Record Interchanging (“CAPRI”), or the Shadow Medical File System.

27           Response: Objection vague and ambiguous in the meaning of “investigation.”  
28 Defendants understand this RFP to seek documents describing formal investigations of

1 allegations, supported by serious and credible evidence, that Veterans Benefits Administration  
2 (VBA) VA employees altered VA medical records in violation of statute, regulation or  
3 established VA policy. Subject to that interpretation, defendants object as irrelevant and unduly  
4 burdensome except as to: (1) documents related to a formal investigation by VA's Office of  
5 Inspector General of a VBA employee who is alleged to have improperly altered VA medical  
6 records; and (2) any other formal investigation initiated by a VA employee with authority to  
7 discipline the VBA employee who is alleged to have improperly altered VA medical records.  
8 Law Enforcement Privilege objection. "Communication" Definition Overbreadth Objection  
9 "Meeting" Definition Overbreadth Objection Non-objectionable and responsive documents will  
10 be produced.

11 **REQUEST FOR PRODUCTION NO. 144:**

12 \_\_\_\_\_ All VA "Fast Letters" distributed or issued between 2000 and present, and all  
13 MEETINGS and COMMUNICATIONS CONCERNING the same.

14 Response: Objection, overbroad, irrelevant and unduly burdensome as there is no basis  
15 for concluding that all "Fast Letters" distributed from 2000 to the present are relevant to this  
16 litigation. "Policies, practices and procedures" Objection Non-PTSD/Mental Health  
17 Overbreadth and Burdensomeness Objection "Communication" Definition Overbreadth  
18 Objection "Meeting" Definition Overbreadth Objection  
19 Non-objectionable and responsive documents will be produced.

20 **REQUEST FOR PRODUCTION NO. 145:**

21 \_\_\_\_\_ The alteration of original entries in veterans' medical records by employees of the C&P  
22 Service, including, without limitation, the procedures and technical ability to do so, the means,  
23 and all instances of alteration.

24 Response: Objection vague and ambiguous in the meaning of "alteration of original  
25 entries in veterans' medical records." Defendants understand this RFP to seek documents  
26 describing formal investigations of allegations, supported by serious and credible evidence, that  
27 employees of the Compensation and Pension Service (C&P) altered veterans' medical records in  
28 violation of statute, regulation or established VA policy. Subject to that interpretation,

1 defendants object as irrelevant and unduly burdensome except as to: (1) documents related to a  
2 formal investigation by VA's Office of Inspector General of an employee of C&P who is alleged  
3 to have improperly altered veterans' medical records; and (2) any other formal investigation  
4 initiated by an employee of C&P with authority to discipline the employee who is alleged to  
5 have improperly altered veterans' medical records. Law Enforcement Privilege objection.  
6 "Communication" Definition Overbreadth Objection "Meeting" Definition Overbreadth  
7 Objection Non-objectionable and responsive documents will be produced.

8 **REQUEST FOR PRODUCTION NO. 146:**

9 The quality of medical care at the Veterans Affairs Medical Center in Marion, Illinois,  
10 complaints received about medical care, and all MEETINGS and COMMUNICATIONS  
11 CONCERNING the same.

12 Response: Objection, the complaints about quality of care at the VA Medical Center in  
13 Marion, Illinois related to surgical care, which is wholly unrelated to the issues in this litigation.  
14 Individual Medical Care Relevance and Burdensomeness Objection Non-PTSD/Mental Health  
15 Overbreadth and Burdensomeness Objection Individual Claim File Relevance and  
16 Burdensomeness Objection Privacy Act Objection

17 **REQUEST FOR PRODUCTION NO. 147:**

18 \_\_\_\_\_ Claims of inadequate medical care made by former and present employees of the  
19 Veterans Affairs Medical Center in Marion, Ill., and all MEETINGS and COMMUNICATIONS  
20 CONCERNING the same.

21 Response: Objection, the complaints about quality of care at the VA Medical Center in  
22 Marion, Illinois related to surgical care, which is wholly unrelated to the issues in this litigation.  
23 Individual Medical Care Relevance and Burdensomeness Objection Non-PTSD/Mental Health  
24 Overbreadth and Burdensomeness Objection Individual Claim File Relevance and  
25 Burdensomeness Objection Privacy Act Objection

26 **REQUEST FOR PRODUCTION NO. 148:**

27 \_\_\_\_\_ YOUR investigation and any Congressional investigation of claims of inadequate medical  
28 care made by former and present employees of the Veterans Affairs Medical Center in Marion,

1 Ill., and/or acts of retaliation against such employees, and all MEETINGS and  
2 COMMUNICATIONS CONCERNING the same.

3 Response: Objection, the complaints about quality of care at the VA Medical Center in  
4 Marion, Illinois related to surgical care, which is wholly unrelated to the issues in this litigation.  
5 Individual Medical Care Relevance and Burdensomeness Objection Non-PTSD/Mental Health  
6 Overbreadth and Burdensomeness Objection Individual Claim File Relevance and  
7 Burdensomeness Objection Privacy Act Objection Deliberative Process Objection.

8 **REQUEST FOR PRODUCTION NO. 149:**

9 \_\_\_\_\_ Instances of or studies regarding police officer-assisted suicides amongst Iraq and  
10 Afghanistan veterans and all MEETINGS and COMMUNICATIONS CONCERNING the same.

11 Response: Defendants are not aware of any responsive documents.

12 **REQUEST FOR PRODUCTION NO. 150:**

13 \_\_\_\_\_ The Department of Veterans Affairs memorandum from Deputy Under Secretary for  
14 Health for Operations and Management to Network Directors, “Status of VHA Enrollment and  
15 Associated Issues,” dated July 18, 2002, and all MEETINGS and COMMUNICATIONS  
16 CONCERNING the same.

17 Response: VA Rule Relevance and Burdensomeness Objection Non-PTSD/Mental  
18 Health Overbreadth and Burdensomeness Objection “Communication” Definition Overbreadth  
19 Objection “Meeting” Definition Overbreadth Objection Deliberative Process Objection  
20 Attorney-Client and Attorney Work Product Objection

21 **REQUEST FOR PRODUCTION NO. 151:**

22 \_\_\_\_\_ All DOCUMENTS regarding the priority levels for health care veterans, and all  
23 DOCUMENTS regarding any decision not to enroll Priority 7 and/or Priority 8 veterans.

24 Response: VA Rule Relevance and Burdensomeness Objection Non-PTSD/Mental  
25 Health Overbreadth and Burdensomeness Objection Deliberative Process Objection Attorney-  
26 Client and Attorney Work Product Objection

27 **REQUEST FOR PRODUCTION NO. 152:**

28 The Department of Veterans Affairs Report “Impact of Suspending Enrollment of Priority

1 Group 8 Veterans” published in 2003, and all MEETINGS CONCERNING the same.

2 Response: VA Rule Relevance and Burdensomeness Objection Non-PTSD/Mental  
3 Health Overbreadth and Burdensomeness Objection Meeting” Definition Overbreadth Objection  
4 Deliberative Process Objection Attorney-Client and Attorney Work Product Objection

5 **REQUEST FOR PRODUCTION NO. 153:**

6 All VA submissions to the Federal Register regarding which categories of veterans will  
7 have priority for medical care in each upcoming fiscal year, and all MEETINGS and  
8 COMMUNICATIONS CONCERNING the same.

9 Response: VA Rule Relevance and Burdensomeness Objection Non-PTSD/Mental  
10 Health Overbreadth and Burdensomeness Objection Publically-Available Documents Objection  
11 “Communication” Definition Overbreadth Objection “Meeting” Definition Overbreadth  
12 Objection Deliberative Process Objection Attorney-Client and Attorney Work Product Objection

13 **REQUEST FOR PRODUCTION NO. 154:**

14 MEETINGS and COMMUNICATIONS CONCERNING the United States House of  
15 Representatives Committee on Government Reform - Minority Staff Special Investigation  
16 Division reports on Waiting Time for Veteran Health Care, and all MEETINGS and  
17 COMMUNICATIONS CONCERNING the same.

18 Response: Non-PTSD/Mental Health Overbreadth and Burdensomeness Objection  
19 “Communication” Definition Overbreadth Objection “Meeting” Definition Overbreadth  
20 Objection Deliberative Process Objection Attorney-Client and Attorney Work Product Objection  
21 Objection, the reports, from 2004, are not relevant to current VA policies and practices related to  
22 providing services to veterans suffering from PTSD.

23 **REQUEST FOR PRODUCTION NO. 155:**

24 All United States House of Representatives Committee on Government Reform -  
25 Minority Staff Special Investigation Division Reports CONCERNING the Impact of President  
26 Bush’s Budget on Veteran Health Care.

27 Response: Non-PTSD/Mental Health Overbreadth and Burdensomeness Objection  
28 Deliberative Process Objection Attorney-Client and Attorney Work Product Objection Objection,

1 the reports are not relevant as they do not contain any discussion of PTSD and are limited in  
2 geographic scope.

3 **REQUEST FOR PRODUCTION NO. 156:**

4 \_\_\_\_\_ All United States House of Representatives Committee on Government Reform -  
5 Minority Staff Special Investigation Division reports on Proposed Restrictions on Access to VA  
6 Health Care, and all MEETINGS and COMMUNICATIONS CONCERNING the same. \_

7 Response: Non-PTSD/Mental Health Overbreadth and Burdensomeness Objection  
8 “Communication” Definition Overbreadth Objection “Meeting” Definition Overbreadth  
9 Objection Deliberative Process Objection Attorney-Client and Attorney Work Product Objection  
10 Objection the report, from 2003, is not relevant to current VA policies and practices related to  
11 providing services to veterans suffering from PTSD.

12 **REQUEST FOR PRODUCTION NO. 157:**

13 \_\_\_\_\_ The November 14, 2007 JAMA study entitled “Longitudinal Assessment of Mental  
14 Health Problems Among Active and Reserve Component Soldiers Returning From Iraq War,” by  
15 Charles S. Milliken, MD, Jennifer L. Auchterlonie, MS, and Charles W. Hoge, MD, and all  
16 COMMUNICATIONS CONCERNING the same.

17 Response: “Communication” Definition Overbreadth Objection Publically-Available  
18 Documents Objection Deliberative Process Objection Non-objectionable and responsive  
19 documents will be produced.

20 **REQUEST FOR PRODUCTION NO. 158:**

21 \_\_\_\_\_ The activities of the Mental Health Strategic Healthcare Group (“MHSHG”)  
22 CONCERNING PTSD, the treatment of veterans with PTSD or other mental health disorders, or  
23 the allocation of YOUR mental health care resources, and all MEETINGS AND  
24 COMMUNICATIONS CONCERNING the same.

25 Response: “Communication” Definition Overbreadth Objection Publically-Available  
26 Documents Objection “Meeting” Definition Overbreadth Objection Deliberative Process  
27 Objection Non-objectionable and responsive documents will be produced.

28 **REQUEST FOR PRODUCTION NO. 159:**

1 \_\_\_\_\_ The development, drafting, implementation, and content of Operation Order 7-55  
2 (regarding U.S. Army Plan for VA provision of medical transition services to OIF/OEF soldiers),  
3 including, without limitation, all DOCUMENTS CONCERNING Fragmentation Orders and  
4 ORDER 07-55, and all MEETINGS and COMMUNICATIONS CONCERNING the same.

5 \_\_\_\_\_ Response: Non-VA Defendant Relevance Objection "Communication" Definition  
6 Overbreadth Objection "Meeting" Definition Overbreadth Objection Deliberative Process  
7 Objection Non-objectionable and responsive documents will be produced.

8 **REQUEST FOR PRODUCTION NO. 160:**

9 \_\_\_\_\_ The basis for the projection in Paragraph 14 of the Declaration of Thomas G. Bowman  
10 (hereafter "Bowman Declaration") dated November 9, 2007, filed in conjunction with  
11 Defendants' Motion for Protective Order to Stay Discovery, that "disability claims in 2008 will  
12 increase to an estimated 840,000, and the statement that VBA's inventory of pending claims now  
13 numbers "over 400,000."

14 \_\_\_\_\_ Response: Attorney-Client and Attorney Work Product Objection

15 **REQUEST FOR PRODUCTION NO. 161:**

16 \_\_\_\_\_ The basis for the claim in Paragraph 11 of the Bowman Declaration that 751,273  
17 OEF/OIF veterans have separated through October 2007, and/or that 269,909 have obtained  
18 health care in a VA facility since FY 2002.

19 \_\_\_\_\_ Response: Attorney-Client and Attorney Work Product Objection

20 **REQUEST FOR PRODUCTION NO. 162:**

21 \_\_\_\_\_ The MEETING between DOJ and staff members on October 23, 2007, referred to in  
22 Paragraph 6 of the Bowman Declaration, and all COMMUNICATIONS CONCERNING the  
23 same.

24 \_\_\_\_\_ Response: Deliberative Process Objection Attorney-Client and Attorney Work Product  
25 Objection Objection, documents related to the cost and burden of discovery are not relevant to  
26 plaintiffs' claims in this action.

27 **REQUEST FOR PRODUCTION NO. 163:**

28 \_\_\_\_\_ The basis for each of the time and cost estimates or figures contained in the Bowman

1 Declaration, and all MEETINGS and COMMUNICATIONS CONCERNING the same.

2 Response: “Communication” Definition Overbreadth Objection “Meeting” Definition  
3 Overbreadth Objection Deliberative Process Objection Attorney-Client and Attorney Work  
4 Product Objection Objection, documents related to the cost and burden of discovery are not  
5 relevant to plaintiffs’ claims in this action.

6 **REQUEST FOR PRODUCTION NO. 164:**

7 \_\_\_\_\_ Computer User Manuals and Technical Manuals for the VistA, Aims, the Compensation  
8 and Pension Record Interchange (“CAPRI”) and all other computer systems that are used to  
9 maintain, manage, alter, use, view, print, or enter data for a patient’s medical records, including,  
10 without limitation, e-mail and instant messaging systems used by Rating Officers and Medical  
11 Examiners.\_\_\_\_

12 Response: Objection, irrelevant. Computer Inspection Burdensomeness and Relevance  
13 Objection Notwithstanding those objections, where defendants provide plaintiffs with electronic  
14 data from VA databases, defendants will provide plaintiffs with operational manuals and similar  
15 documentation for such databases. See also response to RFP 51, 165.

16 **REQUEST FOR PRODUCTION NO. 165:**

17 \_\_\_\_\_ “Screenshots” of every computer medical record page, “C&P Clinical Worksheet Page,”  
18 or Clinical or Diagnostic Laboratory data page in the VA Computer system displaying the  
19 standard “Test Data” used by VA Database Operators to verify system function, such as Patient  
20 records for Social Security number 999-999-9999, or named “Test,” including, without  
21 limitation, “hidden” files, or pages, known only senior executives or IT system operators.

22 Response: Objection, irrelevant. Computer Inspection Burdensomeness and Relevance  
23 Objection Objection, vague and ambiguous in the meaning of “standard ‘Test Data,’” and  
24 “‘hidden’ files. Notwithstanding those objections, where defendants provide plaintiffs with  
25 electronic data from VA databases, defendants will provide plaintiffs with operational manuals  
26 and similar documentation for such databases.

27 **REQUEST FOR PRODUCTION NO. 166:**

28 \_\_\_\_\_ All Computer Reports, or other Statistical Analysis of Departmental Performance

1 Measures down to the level of individual section, or clinical units at individual hospitals or C&P  
2 examination units, including, without limitation, clinical targets that may directly or indirectly  
3 document a veteran's medical response to medication used to treat PTSD, or other mental illness,  
4 or the side effect profiles of the same, including, without limitation, Blood Pressure, Cardiac  
5 Function, EKGs, Blood Glucose Levels, Alc Testing, as statistically described by their mean,  
6 median, and mode.

7 Response: Objection, vague and ambiguous in the meaning of "clinical targets."

8 Individual Medical Care Relevance and Burdensomeness Objection Individual Claim File  
9 Relevance and Burdensomeness Objection Privacy Act Objection

10 **REQUEST FOR PRODUCTION NO. 167:**

11 \_\_\_\_\_ The number of Tricyclic anti-depressant Blood Level Test performed or ordered by YOU,  
12 and the results of the same as statistically describes by their mean, median, and mode.

13 Response: Individual Medical Care Relevance and Burdensomeness Objection

14 Individual Claim File Relevance and Burdensomeness Objection Privacy Act Objection

15 **REQUEST FOR PRODUCTION NO. 168:**

16 \_\_\_\_\_ VA Pharmacy Drug Formularies for mental health disorders, both current, and historical  
17 for the period 2001 to the present.

18 Response: Individual Medical Care Relevance and Burdensomeness Objection

19 Individual Claim File Relevance and Burdensomeness Objection Privacy Act Objection

20 **REQUEST FOR PRODUCTION NO. 169:**

21 \_\_\_\_\_ The month-by-month total number of prescriptions for each of the following drugs  
22 (rounded to the nearest 1000), sorted by each VA pharmacy, each DoD pharmacy in the  
23 Continental U.S., and each Tricare Pharmacy Benefit claim processed by "Express Scripts." In  
24 the case of data from VA pharmacies, the data shall be provided for each VA Region. In the Case  
25 of DoD pharmacies, the data shall be first divided for each branch of service, then subdivided by  
26 each of the Tricare Regions. In the case of "Tricare Express Scripts Prescription Benefit Claims,"  
27 they shall be generated by each Tricare Region. The "Mail-Order-Pharmacies" for both the VA  
28 and Tricare shall be printed as a separate report.

1 (I) The SSRI's: citalopram, escitalopram oxalate, fluoxetine, fluvoxamine maleate,  
2 paroxetine, sertraline, dapoxetine;

3 (ii) The TriCyclics: Amitriptyline, amoxapine, cloipramine, desipramine, doxepin,  
4 Imipramine, Maprotilline, Nortriptyline, Protriptyline, Trimipramine;

5 (iii) The MAOIs: Isocarboxazid, Mociobenide, Pheneizine, Tranylcyromine,  
6 Selegiline, Rasagilline, Nialamide, iproniazid, Iproclozide, Toloxatone;

7 (iv) The Mood Stabilizers: Lithium and sodium valproate;

8 (v) The Typical antipsychotics: Chlorpromazine, Fluphenazine, Perphenazine,  
9 Prochlorperazine, Thioridazine, Trifluoperazine, Mesoridazine, Promazine, Triflupromazine,  
10 Levomepromzaine, Chlorprothixene, Flupenthixol, Thiothixene, Zuclopenthixol, Haloperidol,  
11 Droperidol, Pimozide, Melperone;

12 (vi) The Atypical antipsychotics: Clozapine, Olanzapine, Risperidone, Quetiapine,  
13 Ziprasidone, Amisulpride, Paliperidone;

14 (vii) The Dopamine partial agonist: Aripiprazole;

15 (viii) The Benzodiazepines: alprazolam, chlordiazepoxide, clonazepam, diazepam,  
16 lorazepam;

17 (ix) The antiseizure drugs: Gabapentin, carbamazepine, clonazepam, divalprex sodium,  
18 lamotrigine, phenytoin, oxcarbazepine, tiagabine, topiramate, valproic acid;

19 (x) The non opiate pain relievers: Aspirin, Ibuprofen, Celecoxib; and

20 (xi) The opiate pain relievers: oxycodone, hydrocodone, damorphine, pethidine,  
21 tramadol, buprenorphine (hereafter the "Target Medications").

22 Response: Individual Medical Care Relevance and Burdensomeness Objection  
23 Individual Claim File Relevance and Burdensomeness Objection Objection, irrelevant as to  
24 medication provided by DoD pharmacies.

25 **REQUEST FOR PRODUCTION NO. 170:**

26 Any and all records, e-mails, discussions, proposals or medical directives recommending  
27 that a veteran currently taking one of the above Target Medications be transferred to another such  
28 medication or medications within the same class as the result of a formulary switch.

1            Response: Individual Medical Care Relevance and Burdensomeness Objection Non-  
2 PTSD/Mental Health Overbreadth and Burdensomeness Objection Individual Claim File  
3 Relevance and Burdensomeness Objection Privacy Act Objection

4 **REQUEST FOR PRODUCTION NO. 171:**

5            \_\_\_\_\_ The DEA inventory control, audit, accountability, and irregularity reports of every  
6 controlled substance maintained, supplied, or prescribed at a VA operated pharmacy and DoD  
7 operated pharmacy. In the case of DoD pharmacies operating in the Continental United States  
8 (DoDConus).

9            Response: Individual Medical Care Relevance and Burdensomeness Objection Non-VA  
10 Defendant Relevance Objection Individual Claim File Relevance and Burdensomeness  
11 Objection Privacy Act Objection Objection, inventory control of controlled substances dispensed  
12 at VA operated pharmacies and DOD operated pharmacies in the Continental United States are  
13 not relevant to this action.

14 **REQUEST FOR PRODUCTION NO. 172:**

15            \_\_\_\_\_ The number of doctors, psychologist, nurse practitioners, or physician assistants,  
16 pharmacist, social workers, or counselors, residents, interns, or student/residents, rating officers,  
17 veteran's service officers, or benefit coordinators, either directly employed by the VA, or with  
18 whom the VA contracts that are not current US Citizens or licensed to practice in the U.S., and  
19 the qualifications of each.

20            Response: Non-PTSD/Mental Health Overbreadth and Burdensomeness Objection  
21 Objection, irrelevant to the extent that it seeks information about the citizenship status of VA  
22 mental health professionals and where they are licensed to practice. Objection, irrelevant as to  
23 the request for the license status of students, rating officers, veteran service officers and benefit  
24 coordinators as those employees are not required to be licensed. Objection, irrelevant as to the  
25 particular state in which all other mental health care providers employed by the VA within the  
26 United States are licensed; all such employees are required to have a license or obtain one shortly  
27 after being hired Objection, irrelevant and unduly burdensome to the extent that it seeks  
28 information on "the qualification of each" of the enumerated mental health care providers

1 employed by the VA.

2 **REQUEST FOR PRODUCTION NO. 173:**

3 \_\_\_\_\_ Hiring criteria, minimum qualifications, or standards for mental health professionals  
4 employed by or under contract to the VA.

5 Response: Non-PTSD/Mental Health Overbreadth and Burdensomeness Objection

6 Non-objectionable and responsive documents will be produced.

7 **REQUEST FOR PRODUCTION NO. 174:**

8 \_\_\_\_\_ The number and identity of YOUR Medical Professionals that hold either any degree  
9 (undergraduate, graduate, doctoral) from St. Georges Medical University, in the Island Nation of  
10 Grenada or one of its branch campuses, or completed a residency at St. Georges Medical  
11 University, or any hospital in the nation of Grenada.

12 Response: Non-PTSD/Mental Health Overbreadth and Burdensomeness Objection

13 Objection, irrelevant.

14 **REQUEST FOR PRODUCTION NO. 175:**

15 \_\_\_\_\_ All details, (save for patient identifiers) CONCERNING VA attempts to assess the  
16 Pharmaceutical clinical effectiveness in the treatment of PTSD or other mental disorders,  
17 including, without limitation, all studies or other DOCUMENTS CONCERNING “Human Use”  
18 ethical review boards.

19 Response: Individual Medical Care Relevance and Burdensomeness Objection

20 Individual Claim File Relevance and Burdensomeness Objection

21 **REQUEST FOR PRODUCTION NO. 176:**

22 \_\_\_\_\_ Whether the informed consent was obtained from veterans with PTSD or other mental  
23 conditions who participated in clinical methods pharmaceutical effectiveness trials.

24 Response: VA Rule Relevance and Burdensomeness Objection Individual Medical Care

25 Relevance and Burdensomeness Objection Objection, irrelevant as the question of whether VA  
26 has obtained informed consent from veterans involved in research projects is not relevant to any  
27 claim in this action. Individual Claim File Relevance and Burdensomeness Objection Privacy  
28 Act Objection

1 **REQUEST FOR PRODUCTION NO. 177:**

2 \_\_\_\_\_ The complaints in each malpractice case against the VA filed by a veteran patient with  
3 PTSD or other mental health disorders from 2001 to present.

4 Individual Medical Care Relevance and Burdensomeness Objection Objection, irrelevant  
5 and unduly burdensome except to the extent that it seeks administrative tort claim forms (SF-95),  
6 or civil complaints by veteran patients with PTSD or other mental health disorders alleging acts  
7 of malpractice from January 1,2005 to present.

8 **REQUEST FOR PRODUCTION NO. 178:**

9 \_\_\_\_\_ The pre-publication report CONCERNING PTSD Compensation and Military Service  
10 conducted by the National Academy of Sciences, and all MEETINGS and COMMUNICATIONS  
11 CONCERNING the same.

12 Response: Non-VA Defendant Relevance Objection “Communication” Definition  
13 Overbreadth Objection “Meeting” Definition Overbreadth Objection Publically-Available  
14 Documents Objection Deliberative Process Objection Non-objectionable and responsive  
15 documents will be produced.

16 **REQUEST FOR PRODUCTION NO. 179:**

17 \_\_\_\_\_ VHA Directive 2005-010 dated March 7, 2005, and all MEETINGS and  
18 COMMUNICATIONS CONCERNING the same.

19 Response: “Policies, practices and procedures” Objection “Communication” Definition  
20 Overbreadth Objection “Meeting” Definition Overbreadth Objection Deliberative Process  
21 Objection Non-objectionable and responsive documents will be produced.

22 **REQUEST FOR PRODUCTION NO. 180:**

23 Revisions made by C&P Service employees to Disability Examination Worksheets or  
24 database entries regarding a patient’s medical information (such as demographic, appointment, or  
25 admission data) that were prepared by VHA employees.

26 Response: Individual Medical Care Relevance and Burdensomeness Objection  
27 Individual Claim File Relevance and Burdensomeness Objection Privacy Act Objection  
28 Objection, vague and ambiguous in the meaning of “revisions made by C&P Service employees

1 to Disability Examination Worksheets or database entries regarding a patient's medical  
 2 information." Defendants understand this RFP to seek documents describing allegations,  
 3 supported by serious and credible evidence, that VA employees altered patient medical records in  
 4 violation of statute, regulation or established VA policy. Subject to that interpretation,  
 5 defendants object as irrelevant and unduly burdensome except as to: (1) documents related to a  
 6 formal investigation by VA's Office of Inspector General of an employee who is alleged to have  
 7 improperly altered patient medical records; and (2) any other formal investigation initiated by a  
 8 VA employee with authority to discipline the employee who is alleged to have improperly altered  
 9 patient medical records. Law Enforcement Privilege objection. Non-objectionable and  
 10 responsive documents will be produced.

11 **REQUEST FOR PRODUCTION NO. 181:**

12 \_\_\_\_\_ YOUR investigation CONCERNING changes made by C&P Service employees to  
 13 Disability Examination Worksheets or patient medical database entries (such as demographic,  
 14 appointment or admission data) that were prepared by VHA employees, including, without  
 15 limitation, changes in PTSD evaluations, diagnoses, test results, and all MEETINGS and  
 16 COMMUNICATIONS CONCERNING the same.

17 Response: Non-PTSD/Mental Health Overbreadth and Burdensomeness Objection  
 18 Objection vague and ambiguous in the meaning of "investigation." Defendants understand this  
 19 RFP to seek documents describing formal investigations of allegations, supported by serious and  
 20 credible evidence, that VA employees altered patient medical records in violation of statute,  
 21 regulation or established VA policy. Subject to that interpretation, defendants object as  
 22 irrelevant and unduly burdensome except as to: (1) documents related to a formal investigation  
 23 by VA's Office of Inspector General of an employee who is alleged to have improperly altered  
 24 patient medical records; and (2) any other formal investigation initiated by a VA employee with  
 25 authority to discipline the employee who is alleged to have improperly altered patient medical  
 26 records. Law Enforcement Privilege objection. "Communication" Definition Overbreadth  
 27 Objection "Meeting" Definition Overbreadth Objection Non-objectionable and responsive  
 28 documents will be produced.

1 **REQUEST FOR PRODUCTION NO. 182:**

2 \_\_\_\_\_ The use, data definitions, and meaning of red and green flags CONCERNING C&P  
3 Examination requests maintained, recorded or distributed using the Shadow Medical File System  
4 (discussed on Page 73 of the CAPRI GUI User Manual V.2.7 (October 2005)).

5 Response: Objection, vague and ambiguous in the meaning of “shadow medical file  
6 system. Defendants understand this RFP to seek documents describing

7 \_\_\_\_\_ Individual Claim File Relevance and Burdensomeness Objection  
8 Privacy Act Objection Objection, irrelevant to the extent that the RFP seeks computer manuals or  
9 similar documents that would permit access to VA’s ESI. Non-objectionable and responsive  
10 documents will be produced.

11 **REQUEST FOR PRODUCTION NO. 183:**

12 \_\_\_\_\_ The altering of medical examination reports, after the Medical Examiner had signed  
13 them, by someone other than the author examiner, including, without limitation, the Cleveland  
14 VA hospital or medical center.

15 Response: Non-PTSD/Mental Health Overbreadth and Burdensomeness Objection  
16 Objection vague and ambiguous in the meaning of “altering of medical examination reports, after  
17 the Medical Examiner had signed them, by someone other than the author examiner.”

18 Defendants understand this RFP to seek documents describing formal investigations of  
19 allegations, supported by serious and credible evidence, that a VA employee has altered a  
20 medical examination report after it has been signed by the Medical Examiner in violation of  
21 statute, regulation or established VA policy. Subject to that interpretation, defendants object as  
22 irrelevant and unduly burdensome except as to: (1) documents related to a formal investigation  
23 by VA’s Office of Inspector General of an employee who is alleged to have improperly altered a  
24 medical examination report; and (2) any other formal investigation initiated by a VA employee  
25 with authority to discipline the employee who is alleged to have improperly altered a medical  
26 examination report. Law Enforcement Privilege objection. Non-PTSD/Mental Health  
27 Overbreadth and Burdensomeness Objection Non-objectionable and responsive documents will  
28 be produced.

1 **REQUEST FOR PRODUCTION NO. 184:**

2 \_\_\_\_\_ Instances (and any summaries) in which a veteran was denied medical care or treatment  
3 by a VA medical center, outpatient clinic or hospital, and all MEETINGS and  
4 COMMUNICATIONS CONCERNING the same.

5 Response: Objection vague and ambiguous in the meaning of “denied medical care or  
6 treatment by a VA medical center, outpatient clinic or hospital.” Defendants understand this  
7 RFP to seek documents describing a situation where a veteran is enrolled in the VA health care  
8 system and yet is denied any treatment for PTSD or other mental health problems that the VA  
9 determines is needed (as distinct from not receiving the treatment the veteran asserts is needed or  
10 experiencing a delay in receiving treatment). Non-PTSD/Mental Health Overbreadth and  
11 Burdensomeness Objection Individual Medical Care Relevance and Burdensomeness Objection  
12 Privacy Act Objection “Communication” Definition Overbreadth Objection “Meeting”  
13 Definition Overbreadth Objection Non-objectionable and responsive documents will be  
14 produced.

15 **REQUEST FOR PRODUCTION NO. 185:**

16 Monthly and annual printouts and a computer disk from the Patient Appointment  
17 Information Transmission (PAIT) database of scheduling and patient wait times for health care  
18 appointments within the VHA, sorted by hospital, medical center, clinic or other location.

19 Response: Non-PTSD/Mental Health Overbreadth and Burdensomeness Objection  
20 Privacy Act Objection Computer Inspection Burdensomeness and Relevance Objection The VA  
21 does not have monthly and annual printouts from the PAIT database sorted by hospital, medical  
22 center, clinic or other location. Non-objectionable and responsive documents will be produced.

23 **REQUEST FOR PRODUCTION NO. 186:**

24 \_\_\_\_\_ Inaccurate or substituted entries in the PAIT database that improve timeliness measures  
25 and YOUR investigation of such entries, and all MEETINGS and COMMUNICATIONS  
26 CONCERNING the same.

27 Response: Objection, vague and ambiguous in the meaning of “[i]naccurate or substituted  
28 entries in the PAIT database that improve timeliness measures.” Defendants understand this RFP

1 to seek documents describing formal investigations of allegations, supported by serious and  
2 credible evidence, that a VA employee has altered information in the PAIT database in violation  
3 of statute, regulation or established VA policy. Subject to that interpretation, defendants object  
4 as irrelevant and unduly burdensome except as to: (1) documents related to a formal investigation  
5 by VA's Office of Inspector General of an employee who is alleged to have altered information  
6 in the PAIT database ; and (2) any other formal investigation initiated by a VA employee with  
7 authority to discipline the employee who is alleged to have altered information in the PAIT  
8 database. Law Enforcement Privilege objection. Non-PTSD/Mental Health Overbreadth and  
9 Burdensomeness Objection Non-objectionable and responsive documents will be produced.

10 **REQUEST FOR PRODUCTION NO. 187:**

11 \_\_\_\_\_ Information, reports, printouts, and data contained in the Veteran Appeals Control and  
12 Locator System (VACOLS) CONCERNING workload, timeliness, appeals dispositions, and  
13 IDENTITY of the claimant's representative.

14 Response: Consolidated Response to RFPs 1-2; 4-17; 21; 96; 97; 117; 127; 187; 189.

15 **REQUEST FOR PRODUCTION NO. 188:**

16 \_\_\_\_\_ Docketing data, reports, and printouts for the CAVC maintained in Quilla, including  
17 without limitation, the IDENTITY of the claimant, and information regarding date of the Notice  
18 of Disagreement, Statement of the Case, Substantive Appeal, Docketing, and final disposition.

19 Response: CAVC Objection

20 **REQUEST FOR PRODUCTION NO. 189:**

21 \_\_\_\_\_ Studies and/or data CONCERNING delay or timeliness at each level of the SCDDC  
22 processing system, starting with the regional offices.

23 Response: Consolidated Response to RFPs 1-2; 4-17; 21; 96; 97; 117; 127; 187; 189.

24 **REQUEST FOR PRODUCTION NO. 190:** \_\_\_\_\_

25 \_\_\_\_\_ DOCUMENTS otherwise responsive to any of Plaintiffs' DOCUMENT requests which  
26 can be found on the workstations or personal computers or working files of each of the witnesses  
27 identified on pages 2-5 of Defendants' Initial Disclosures dated October 18, 2007.

28 Response: Objection, duplicative and unduly burdensome. Non-objectionable and

1 relevant documents will be produced in response to other requests.

2 **REQUEST FOR PRODUCTION NO. 191:**

3 \_\_\_\_\_ COMMUNICATIONS and MEETINGS between DVA management and its employees  
4 CONCERNING this case and the subject of contacts with Plaintiffs or their counsel.

5 Response: Attorney-Client and Attorney Work Product Objection Deliberative Process  
6 Objection.

7  
8  
9  
10  
11 Dated February 11, 2008

Respectfully Submitted,

12 JEFFREY S. BUCHOLTZ  
13 Acting Assistant Attorney General  
14 JOSEPH P. RUSSONIELLO  
15 Interim United States Attorney  
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18 /s/ Daniel Bensing

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**CERTIFICATE OF SERVICE**

I hereby certify that on February 11, 2008, I served the foregoing Defendants' Responses and Objections to Plaintiffs' Requests for Production of Documents numbered 1-191, by Federal Express to counsel for Plaintiffs:

Ms. Heather Moser  
Morrison & Foerster  
425 Market St.  
San Francisco, Cal. 94105-2482

DANIEL BENSING