

**John Murray**

**From:** John Murray [jmurray@rddlaw.net]  
**Sent:** Wednesday, November 24, 2010 11:57 AM  
**To:** 'Robert.Vega@va.gov'  
**Cc:** 'Kevin Duff'; 'John Murray'  
**Subject:** (Cynowa v. CSSS, Cook County Case No. 08 L 403) Subpoenas for current VA employees  
**Attachments:** Noel Flanagan Subpoena (final version 11-24-10).pdf; Tushar Engregi Subpoena (final version 11-24-10).pdf; Bunty Kothari Subpoena (final version 11-24-10).pdf; Ron Klavon Subpoena (final version 11-24-10).pdf; Michael Cronin Subpoena (final version 11-24-10).pdf; Michelle Hinton Subpoena (final version 11-24-10).pdf; Kim Griffin Subpoena (final version 11-24-10).pdf; Neil Piper Subpoena (final version 11-24-10).pdf; Dustin Joiner Subpoena (final version 11-24-10).pdf; Jerry Taylor Subpoena (final version 11-24-10).pdf; Sylvia Delsa Subpoena (final version 11-24-10).pdf; Maria Millan Subpoena (final version 11-24-10).pdf

<b>Tracking:</b>	<b>Recipient</b>	<b>Read</b>
	'Robert.Vega@va.gov'	
	'Kevin Duff'	
	'John Murray'	Read: 11/29/2010 8:42 AM

Mr. Vega:

As discussed on the telephone this morning, attached please find subpoenas for deposition for those current VA employees disclosed in my 11-22-10 letter that was faxed to your office. Copies of these subpoenas and checks for witness fees are being mailed via United States Priority Mail later today. We have currently set forth the dates desired for the depositions in light of our deadline for fact witness discovery of December 10, 2010, however, we are willing to work with you and the VA regarding getting these depositions completed in as expeditious a manner as possible. As I have previously stated to you, many of these depositions should be very quick. Note, however, that Neil Piper and Jerry Taylor, VA employees believed to be located in New York and Washington State, respectively, have had their depositions noticed on the same day and for telephone depositions. Thank you and have a wonderful Thanksgiving.

Regards,

John E. Murray, Esq.  
 Associate Attorney  
**Rachlis Durham Duff & Adler, LLC**  
 542 South Dearborn Street, Suite 900  
 Chicago, IL 60605  
 Office: (312) 733-3950  
 Direct: (312) 275-0338  
 Mobile: (810) 824-7197  
 Fax: (312) 733-3952  
 Email: [jmurray@rddlaw.net](mailto:jmurray@rddlaw.net)  
 Firm website: [www.rddlaw.net](http://www.rddlaw.net)

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1/26/2011

**John Murray**

---

**From:** John Murray [jmurray@rddlaw.net]  
**Sent:** Tuesday, November 30, 2010 2:27 PM  
**To:** 'Robert.Vega@va.gov'  
**Cc:** 'Kevin Duff'  
**Subject:** (Cynowa v. CSSS, Case No. 08-L-403) Abbreviated Deposition and Interview Schedule  
**Follow Up Flag:** Follow up  
**Flag Status:** Completed  
**Attachments:** 11-30-10 ltr to Robert Vega re abbreviated deposition and interview schedule.pdf  
Mr. Vega:

In response to your letter dated today, November 30, 2010, attached please find Defendants' much-abbreviated request for depositions and interviews for those believed to be VA employees as of January 18, 2007. This letter was also sent to you via facsimile. This abbreviated schedule should hopefully allow us to get the requests completed by the December 10, 2010 deadline. Please see attached and give me a call at your earliest convenience. Thanks.

Regards,

John E. Murray, Esq.  
Associate Attorney  
**Rachlis Durham Duff & Adler, LLC**  
542 South Dearborn Street, Suite 900  
Chicago, IL 60605  
Office: (312) 733-3950  
Direct: (312) 275-0338  
Mobile: (810) 824-7197  
Fax: (312) 733-3952  
Email: [jmurray@rddlaw.net](mailto:jmurray@rddlaw.net)  
Firm website: [www.rddlaw.net](http://www.rddlaw.net)

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**John Murray**

---

**From:** John Murray [jmurray@rddlaw.net]  
**Sent:** Wednesday, December 01, 2010 6:22 PM  
**To:** 'Robert.Vega@va.gov'  
**Cc:** 'Kevin Duff'; 'John Murray'  
**Subject:** (Cynowa v. CSSS, Case No. 08-L-403) Supplemental Response addressing the factors listed in 38 CFR § 14.804

**Attachments:** 12-1-10 ltr to Robert Vega regarding factors.pdf

Mr. Vega:

In response to our telephone conversation from today, December 1, 2010, attached please find our supplemental response which addresses the relevant factors listed in 38 CFR § 14.804, factors you must consider when deciding to authorize disclosure of the testimony of VA personnel. This letter was also sent to you via facsimile. I look forward to hearing your response by Friday, December 3, 2010. Thanks.

Regards,

John E. Murray, Esq.  
Associate Attorney  
**Rachlis Durham Duff & Adler, LLC**  
542 South Dearborn Street, Suite 900  
Chicago, IL 60605  
Office: (312) 733-3950  
Direct: (312) 275-0338  
Mobile: (810) 824-7197  
Fax: (312) 733-3952  
Email: [jmurray@rddlaw.net](mailto:jmurray@rddlaw.net)  
Firm website: [www.rddlaw.net](http://www.rddlaw.net)

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**John Murray**

---

**From:** John Murray [jmurray@rddlaw.net]  
**Sent:** Tuesday, December 07, 2010 1:40 PM  
**To:** 'THERESA JOHNSON'  
**Cc:** 'Kevin Duff'; 'Robert M. Vega'  
**Subject:** RE: Letter from Vega? Re: Plaintiff's Supplemental Production Fw: Touhy Request  
**Attachments:** 11-24-10 Ltr from Robert Vega re witness deps.pdf; 11-30-10 ltr to Robert Vega re abbreviated deposition and interview schedule.pdf; 12-3-10 ltr from Robert Vega.pdf

Theresa:

Please see attached.

Regards,

John E. Murray, Esq.  
Associate Attorney  
**Rachlis Durham Duff & Adler, LLC**  
542 South Dearborn Street, Suite 900  
Chicago, IL 60605  
Office: (312) 733-3950  
Direct: (312) 275-0338  
Mobile: (810) 824-7197  
Fax: (312) 733-3952  
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---

**From:** THERESA JOHNSON [mailto:theresavjohnson@prodigy.net]  
**Sent:** Tuesday, December 07, 2010 1:24 PM  
**To:** John Murray  
**Cc:** Kevin Duff; Robert M. Vega; Theresa Johnson  
**Subject:** Letter from Vega? Re: Plaintiff's Supplemental Production Fw: Touhy Request

John,

In follow-up to our phone conversation a few minutes ago, I am communicating in writing with you regarding Defendants supplemental discovery. Did you receive the requested responsive letter from Attorney Vega as requested in your letter dated December 1, 2010? If so, please tender same. Please tender all communications from Attorney Vega on which I was not copied by Mr. Vega.

1/26/2011

Sincerely,

Theresa V. Johnson  
Attorney at Law  
Law Office of Theresa V. Johnson  
200 East Chicago Ave. Suite 200  
Westmont, IL 60559  
Tel.: (630) 321-1330  
Fax: (630) 321-1185

---

**From:** John Murray <jmurray@rddlaw.net>  
**To:** THERESA JOHNSON <theresavjohnson@prodigy.net>  
**Cc:** Kevin Duff <kduff@rddlaw.net>  
**Sent:** Tue, December 7, 2010 12:49:08 PM  
**Subject:** RE: Plaintiff's Supplemental Production Fw: Touhy Request

Theresa:

Attached please find copies of my communications with the VA attorney as well as my communications with VA employee Noel Flanagan. Please see attached.

Regards,

John E. Murray, Esq.  
Associate Attorney  
**Rachlis Durham Duff & Adler, LLC**  
542 South Dearborn Street, Suite 900  
Chicago, IL 60605  
Office: (312) 733-3950  
Direct: (312) 275-0338  
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**From:** THERESA JOHNSON [mailto:[theresavjohnson@prodigy.net](mailto:theresavjohnson@prodigy.net)]  
**Sent:** Tuesday, December 07, 2010 12:24 PM  
**To:** John Murray; Kevin Doherty  
**Cc:** Theresa Johnson  
**Subject:** Plaintiff's Supplemental Production Fw: Touhy Request

John,

1/26/2011

Per our discussion, attached is communication with Va Attorney Robert Vega.

Kindly, today, supplement your production in providing copies of your communications with the VA Attorney and any VA employees.

Sincerely,

Theresa V. Johnson  
Attorney at Law  
Law Office of Theresa V. Johnson  
200 East Chicago Ave. Suite 200  
Westmont , IL 60559  
Tel.: (630) 321-1330  
Fax: (630) 321-1185

----- Forwarded Message -----

**From:** "Vega, Robert M." <Robert.Vega@va.gov >  
**To:** theresavjohnson@prodigy.net  
**Sent:** Mon, November 8, 2010 10:06:13 AM  
**Subject:** Touhy Request

As requested:

<<...>>

*Robert Vega*

Staff Attorney  
Chicago Office of Regional Counsel  
Department of Veterans Affairs  
P.O. Box 1427  
Hines , IL 60141  
Voice: (708) 202-2451  
FAX: (708) 202-2239

**John Murray**

---

**From:** THERESA JOHNSON [theresavjohnson@prodigy.net]  
**Sent:** Tuesday, December 07, 2010 1:24 PM  
**To:** John Murray  
**Cc:** Kevin Duff; Robert M. Vega; Theresa Johnson  
**Subject:** Letter from Vega? Re: Plaintiff's Supplemental Production Fw: Touhy Request  
John,

In follow-up to our phone conversation a few minutes ago, I am communicating in writing with you regarding Defendants supplemental discovery. Did you receive the requested responsive letter from Attorney Vega as requested in your letter dated December 1, 2010? If so, please tender same. Please tender all communications from Attorney Vega on which I was not copied by Mr. Vega.

Sincerely,

Theresa V. Johnson  
Attorney at Law  
Law Office of Theresa V. Johnson  
200 East Chicago Ave. Suite 200  
Westmont, IL 60559  
Tel.: (630) 321-1330  
Fax: (630) 321-1185

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**From:** John Murray <jmurray@rddlaw.net>  
**To:** THERESA JOHNSON <theresavjohnson@prodigy.net>  
**Cc:** Kevin Duff <kduff@rddlaw.net>  
**Sent:** Tue, December 7, 2010 12:49:08 PM  
**Subject:** RE: Plaintiff's Supplemental Production Fw: Touhy Request

Theresa:

Attached please find copies of my communications with the VA attorney as well as my communications with VA employee Noel Flanagan. Please see attached.

Regards,

John E. Murray, Esq.  
Associate Attorney  
**Rachlis Durham Duff & Adler, LLC**  
542 South Dearborn Street, Suite 900  
Chicago, IL 60605  
Office: (312) 733-3950  
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1/26/2011

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**From:** THERESA JOHNSON [mailto:theresavjohnson@prodigy.net]  
**Sent:** Tuesday, December 07, 2010 12:24 PM  
**To:** John Murray; Kevin Doherty  
**Cc:** Theresa Johnson  
**Subject:** Plaintiff's Supplemental Production Fw: Touhy Request

John,

Per our discussion, attached is communication with Va Attorney Robert Vega.

Kindly, today, supplement your production in providing copies of your communications with the VA Attorney and any VA employees.

Sincerely,

Theresa V. Johnson  
Attorney at Law  
Law Office of Theresa V. Johnson  
200 East Chicago Ave. Suite 200  
Westmont, IL 60559  
Tel.: (630) 321-1330  
Fax: (630) 321-1185

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**From:** "Vega, Robert M." <Robert.Vega@va.gov >  
**To:** theresavjohnson@prodigy.net  
**Sent:** Mon, November 8, 2010 10:06:13 AM  
**Subject:** Touhy Request

As requested:

<<...>>

*Robert Vega*

Staff Attorney  
Chicago Office of Regional Counsel  
Department of Veterans Affairs  
P.O. Box 1427  
Hines, IL 60141  
Voice: (708) 202-2451

1/26/2011



FAX: (708) 202-2239

**John Murray**

---

**From:** THERESA JOHNSON [theresavjohnson@prodigy.net]  
**Sent:** Tuesday, December 07, 2010 12:24 PM  
**To:** John Murray; Kevin Doherty  
**Cc:** Theresa Johnson  
**Subject:** Plaintiff's Supplemental Production Fw: Touhy Request  
**Attachments:** ATT00032.htm; 10.07.10 Christopher Cynowa Touhy Request Response Ltr.pdf  
John,

Per our discussion, attached is communication with Va Attorney Robert Vega.

Kindly, today, supplement your production in providing copies of your communications with the VA Attorney and any VA employees.

Sincerely,

Theresa V. Johnson  
Attorney at Law  
Law Office of Theresa V. Johnson  
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*Robert Vega*

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Chicago Office of Regional Counsel  
Department of Veterans Affairs  
P.O. Box 1427  
Hines, IL 60141  
Voice: (708) 202-2451  
FAX: (708) 202-2239

1/26/2011

**John Murray**

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**From:** John Murray [jmurray@rddlaw.net]  
**Sent:** Tuesday, December 07, 2010 12:49 PM  
**To:** 'THERESA JOHNSON'  
**Cc:** 'Kevin Duff'  
**Subject:** RE: Plaintiff's Supplemental Production Fw: Touhy Request  
**Attachments:** 11-22-10 ltr to Robert Vega re VA employees.pdf; 11-30-10 ltr to Robert Vega re abbreviated deposition and interview schedule.pdf; 12-1-10 ltr to Robert Vega regarding factors.pdf; Email string with Noel Flanagan.htm

Theresa:

Attached please find copies of my communications with the VA attorney as well as my communications with VA employee Noel Flanagan. Please see attached.

Regards,

John E. Murray, Esq.  
Associate Attorney  
**Rachlis Durham Duff & Adler, LLC**  
542 South Dearborn Street, Suite 900  
Chicago, IL 60605  
Office: (312) 733-3950  
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Mobile: (810) 824-7197  
Fax: (312) 733-3952  
Email: [jmurray@rddlaw.net](mailto:jmurray@rddlaw.net)  
Firm website: [www.rddlaw.net](http://www.rddlaw.net)

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**Sent:** Tuesday, December 07, 2010 12:24 PM  
**To:** John Murray; Kevin Doherty  
**Cc:** Theresa Johnson  
**Subject:** Plaintiff's Supplemental Production Fw: Touhy Request

John,

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1/26/2011

Sincerely,

Theresa V. Johnson  
Attorney at Law  
Law Office of Theresa V. Johnson  
200 East Chicago Ave. Suite 200  
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Fax: (630) 321-1185

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**From:** "Vega, Robert M." <Robert.Vega@va.gov>  
**To:** theresavjohnson@prodigy.net  
**Sent:** Mon, November 8, 2010 10:06:13 AM  
**Subject:** Touhy Request

As requested:

<<...>>

*Robert Vega*

Staff Attorney  
Chicago Office of Regional Counsel  
Department of Veterans Affairs  
P.O. Box 1427  
Hines, IL 60141  
Voice: (708) 202-2451  
FAX: (708) 202-2239

## John Murray

---

**From:** John Murray [jmurray@rddlalaw.net]  
**Sent:** Thursday, December 09, 2010 2:37 PM  
**To:** 'Robert M. Vega'  
**Cc:** 'Kevin Duff'  
**Subject:** (Cynowa v. CSSS) Copying our firm on communications with Plaintiff's counsel...

Mr. Vega:

This email follows the voicemail I left you today, December 9, 2010, in which I requested that you kindly copy me on any response the VA tenders to Plaintiff's counsel. Thanks for your continued help with this case.

Regards,

John E. Murray, Esq.  
Associate Attorney  
**Rachlis Durham Duff & Adler, LLC**  
542 South Dearborn Street, Suite 900  
Chicago, IL 60605  
Office: (312) 733-3950  
Direct: (312) 275-0338  
Mobile: (810) 824-7197  
Fax: (312) 733-3952  
Email: [jmurray@rddlalaw.net](mailto:jmurray@rddlalaw.net)  
Firm website: [www.rddlalaw.net](http://www.rddlalaw.net)

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**John Murray**

---

**From:** THERESA JOHNSON [theresavjohnson@prodigy.net]  
**Sent:** Wednesday, December 08, 2010 7:46 PM  
**To:** Vega, Robert M.  
**Cc:** Kevin Duff; John Murray  
**Subject:** Touhy Request Letter Re: Dustin Joiner and Bunty Kothari Fw: Plaintiff's Amended Complaint Re: Touhy Request  
**Attachments:** Cynowa - Letter to VA Robert Vega re Touhy Letter 120810 0730pm.pdf

**Dear Attorney Vega,**

**Per our telephone conversation earlier today, attached please find my Touhy Request Letter that I told you I would send today. This letter was also sent successfully by facsimile at 07:26 p.m.**

Sincerely,

Theresa V. Johnson  
Attorney at Law  
Law Office of Theresa V. Johnson  
200 East Chicago Ave. Suite 200  
Westmont, IL 60559  
Tel.: (630) 321-1330  
Fax: (630) 321-1185

---

**From:** "Vega, Robert M." <Robert.Vega@va.gov>  
**To:** THERESA JOHNSON <theresavjohnson@prodigy.net>  
**Sent:** Wed, December 8, 2010 1:06:26 PM  
**Subject:** RE: Dustin Joiner and Bunty Kothari Fw: Plaintiff's Amended Complaint Re: Touhy Request

Ms. Johnson:

This email is sent to confirm that, as of this date, you have failed to submit a request that discusses the Touhy issues I described for you in my letter on 10/7/10.

This and your prior email do not qualify as an actual submission as they wholly fail to discuss any of the elements of 38 CFR 14.800 – 14.810 identified in my letter.

You have indicated that you will send a responsive request today.

Sincerely,

*Robert Vega*

Staff Attorney  
Chicago Office of Regional Counsel  
Department of Veterans Affairs  
P.O. Box 1427  
Hines, IL 60141  
Voice: (708) 202-2451

1/26/2011

FAX: (708) 202-2239

---

**From:** THERESA JOHNSON [mailto:theresavjohnson@prodigy.net]  
**Sent:** Tuesday, December 07, 2010 12:03 PM  
**To:** Vega, Robert M.  
**Cc:** Theresa Johnson  
**Subject:** Dustin Joiner and Bunty Kothari Fw: Plaintiff's Amended Complaint Re: Touhy Request

Dear Attorney Vega,

I inadvertently omitted the 2 VA employees named in the upper left corner of your letter of November 30, 2010: Dustin Joiner and Bunty Kothari. These names should follow after Michelle Hinton's name as persons I request to interview and call as witnesses at trial. Thank you.

Sincerely,

Theresa V. Johnson  
Attorney at Law  
Law Office of Theresa V. Johnson  
200 East Chicago Ave. Suite 200  
Westmont, IL 60559  
Tel.: (630) 321-1330  
Fax: (630) 321-1185

----- Forwarded Message -----

**From:** THERESA JOHNSON <theresavjohnson@prodigy.net>  
**To:** "Vega, Robert M." <Robert.Vega@va.gov>  
**Cc:** Theresa Johnson <theresavjohnson@prodigy.net>  
**Sent:** Tue, December 7, 2010 11:40:27 AM  
**Subject:** Plaintiff's Amended Complaint Re: Touhy Request

Dear Attorney Vega,

In partial compliance with the Touhy letter, attached please find **Plaintiff's Amended Verified Complaint**. Please be advised that as of yesterday, December 6, 2010, Plaintiff claims against Noel Flanagan were dismissed. Based on your letter dated November 30, 2010, to me and Defendants counsel, John Murray, I *assume that Defendants may have already given you the Complaint or other information that has apprised you of the issues in the case*. I apologize if this information is redundant to what you already know. As I have stated in prior communications, Plaintiff has no claims against the VA or anyone working at the VA.

I hereby request would also like to approximately 1/2 hour interviews **Officer Bob Adrowski** and **Randy Padel** and **Ron Klavohn** on any of the following dates: December 8, 9, 10. I have identified these persons as trial witnesses in my 213 discovery disclosures. I beg your permission to call these persons as witnesses at trial.

As you noted in your November 30, 2010 letter, we have at court date on December 10, 2010 (around 10:00 a.m.) on which date we will be setting the trial date. Also Friday, **December 10, 2010, is the last day to depose witnesses**. I request only interviews due to the costs of depositions. The Defendants have the significant resources for depositions; however, plaintiff do not. I will send my request also by fax, which will include a description of expected

1/26/2011

testimony.

I have asked Defendants counsel, John Murray, for copies of their communications with you regarding their request to interview or depose above individuals referenced in your letter; however, to date they have not tendered it. I asked John Murray if he provided an affidavit to you regarding testimony of any witnesses and he indicated that he did not. My understanding from you was that an affidavit was required.

On information and belief, per your letter dated November 30, 2010, you have permitted Defendants to interview with the following VA employees:

**Jerry Taylor**  
**Linda Dunlap**  
**Kimberley Griffin**  
**Ron Klavohn** (same individual as named above)  
**Michelle Hinton**

I request an interview with **these same individuals** named above regarding the same matters, if any identified by defendants. I request an interview time on of 1/2 hour each on December 8, 9, or 10th. If Defendants are interviewing any of these persons during this week, on the 8th, 9th, or 10th, I request an interview them immediately before or after Defendants (i.e. same approximate time slot). I believe this approach would likely cause the least amount of disruption of the VA work flow. If Defendants are not interviewing the above named individuals, I will am available any time on those days, with except during the court hour of 10:00 a.m. December 10th and part of the morning on December 9th (I must take a relative to the doctor).

I will send my request also by fax, which will include a description of expected testimony.

Sincerely,

Theresa V. Johnson  
Attorney at Law  
Law Office of Theresa V. Johnson  
200 East Chicago Ave. Suite 200  
Westmont, IL 60559  
Tel.: (630) 321-1330  
Fax: (630) 321-1185

---

**From:** "Vega, Robert M." <Robert.Vega@va.gov>  
**To:** theresavjohnson@prodigy.net  
**Sent:** Mon, November 8, 2010 10:06:13 AM  
**Subject:** Touhy Request

As requested:

<<...>>

1/26/2011



*Robert Vega*

Staff Attorney  
Chicago Office of Regional Counsel  
Department of Veterans Affairs  
P.O. Box 1427  
Hines, IL 60141  
Voice: (708) 202-2451  
FAX: (708) 202-2239

**John Murray**

---

**From:** Vega, Robert M. [Robert.Vega@va.gov]  
**Sent:** Friday, December 10, 2010 8:33 AM  
**To:** John Murray  
**Cc:** THERESA JOHNSON  
**Subject:** FW: Touhy Request Letter Re: Dustin Joiner and Bunty Kothari Fw: Plaintiff's Amended Complaint Re: Touhy Request

**Attachments:** Cynowa - Letter to VA Robert Vega re Touhy Letter 120810 0730pm.pdf

As requested.

*Robert Vega*

Staff Attorney  
Chicago Office of Regional Counsel  
Department of Veterans Affairs  
P.O. Box 1427  
Hines, IL 60141  
Voice: (708) 202-2451  
FAX: (708) 202-2239

---

**From:** THERESA JOHNSON [mailto:theresavjohnson@prodigy.net]  
**Sent:** Wednesday, December 08, 2010 7:46 PM  
**To:** Vega, Robert M.  
**Cc:** Kevin Duff; John Murray  
**Subject:** Touhy Request Letter Re: Dustin Joiner and Bunty Kothari Fw: Plaintiff's Amended Complaint Re: Touhy Request

**Dear Attorney Vega,**

**Per our telephone conversation earlier today, attached please find my Touhy Request Letter that I told you I would send today. This letter was also sent successfully by facsimile at 07:26 p.m.**

Sincerely,

Theresa V. Johnson  
Attorney at Law  
Law Office of Theresa V. Johnson  
200 East Chicago Ave. Suite 200  
Westmont, IL 60559  
Tel.: (630) 321-1330  
Fax: (630) 321-1185

---

**From:** "Vega, Robert M." <Robert.Vega@va.gov>  
**To:** THERESA JOHNSON <theresavjohnson@prodigy.net>  
**Sent:** Wed, December 8, 2010 1:06:26 PM  
**Subject:** RE: Dustin Joiner and Bunty Kothari Fw: Plaintiff's Amended Complaint Re: Touhy Request

Ms. Johnson:

1/26/2011

This email is sent to confirm that, as of this date, you have failed to submit a request that discusses the Touhy issues I described for you in my letter on 10/7/10.

This and your prior email do not qualify as an actual submission as they wholly fail to discuss any of the elements of 38 CFR 14.800 – 14.810 identified in my letter.

You have indicated that you will send a responsive request today.

Sincerely,

*Robert Vega*

Staff Attorney  
Chicago Office of Regional Counsel  
Department of Veterans Affairs  
P.O. Box 1427  
Hines, IL 60141  
Voice: (708) 202-2451  
FAX: (708) 202-2239

---

**From:** THERESA JOHNSON [mailto:theresavjohnson@prodigy.net]  
**Sent:** Tuesday, December 07, 2010 12:03 PM  
**To:** Vega, Robert M.  
**Cc:** Theresa Johnson  
**Subject:** Dustin Joiner and Bunty Kothari Fw: Plaintiff's Amended Complaint Re: Touhy Request

Dear Attorney Vega,

I inadvertently omitted the 2 VA employees named in the upper left corner of your letter of November 30, 2010: Dustin Joiner and Bunty Kothari. These names should follow after Michelle Hinton's name as persons I request to interview and call as witnesses at trial. Thank you.

Sincerely,

Theresa V. Johnson  
Attorney at Law  
Law Office of Theresa V. Johnson  
200 East Chicago Ave. Suite 200  
Westmont, IL 60559  
Tel.: (630) 321-1330  
Fax: (630) 321-1185

----- Forwarded Message -----

**From:** THERESA JOHNSON <theresavjohnson@prodigy.net>  
**To:** "Vega, Robert M." <Robert.Vega@va.gov>  
**Cc:** Theresa Johnson <theresavjohnson@prodigy.net>  
**Sent:** Tue, December 7, 2010 11:40:27 AM  
**Subject:** Plaintiff's Amended Complaint Re: Touhy Request

Dear Attorney Vega,

In partial compliance with the Touhy letter, attached please find **Plaintiff's Amended Verified**

1/26/2011

**Complaint.** Please be advised that as of yesterday, December 6, 2010, Plaintiff claims against Noel Flanagan were dismissed. Based on your letter dated November 30, 2010, to me and Defendants counsel, John Murray, I *assume that Defendants may have already given you the Complaint or other information that has apprised you of the issues in the case.* I apologize if this information is redundant to what you already know. As I have stated in prior communications, Plaintiff has no claims against the VA or anyone working at the VA.

I hereby request would also like to approximately 1/2 hour interviews **Officer Bob Adrowski** and **Randy Padel** and **Ron Klavohn** on any of the following dates: December 8, 9, 10. I have identified these persons as trial witnesses in my 213 discovery disclosures. I beg your permission to call these persons as witnesses at trial.

As you noted in your November 30, 2010 letter, we have at court date on December 10, 2010 (around 10:00 a.m.) on which date we will be setting the trial date. Also Friday, **December 10, 2010, is the last day to depose witnesses.** I request only interviews due to the costs of depositions. The Defendants have the significant resources for depositions; however, plaintiff do not. I will send my request also by fax, which will include a description of expected testimony.

I have asked Defendants counsel, John Murray, for copies of their communications with you regarding their request to interview or depose above individuals referenced in your letter; however, to date they have not tendered it. I asked John Murray if he provided an affidavit to you regarding testimony of any witnesses and he indicated that he did not. My understanding from you was that an affidavit was required.

On information and belief, per your letter dated November 30, 2010, you have permitted Defendants to interview with the following VA employees:

**Jerry Taylor**  
**Linda Dunlap**  
**Kimberley Griffin**  
**Ron Klavohn** (same individual as named above)  
**Michelle Hinton**

I request an interview with **these same individuals** named above regarding the same matters, if any identified by defendants. I request an interview time on of 1/2 hour each on December 8, 9, or 10th. If Defendants are interviewing any of these persons during this week, on the 8th, 9th, or 10th, I request an interview them immediately before or after Defendants (i.e. same approximate time slot). I believe this approach would likely cause the least amount of disruption of the VA work flow. If Defendants are not interviewing the above named individuals, I will am available any time on those days, with except during the court hour of 10:00 a.m. December 10th and part of the morning on December 9th (I must take a relative to the doctor).

I will send my request also by fax, which will include a description of expected testimony.

Sincerely,

Theresa V. Johnson  
Attorney at Law  
Law Office of Theresa V. Johnson

1/26/2011

200 East Chicago Ave. Suite 200  
Westmont, IL 60559  
Tel.: (630) 321-1330  
Fax: (630) 321-1185

---

**From:** "Vega, Robert M." <Robert.Vega@va.gov>  
**To:** theresavjohnson@prodigy.net  
**Sent:** Mon, November 8, 2010 10:06:13 AM  
**Subject:** Touhy Request

As requested:

<<...>>

*Robert Vega*

Staff Attorney  
Chicago Office of Regional Counsel  
Department of Veterans Affairs  
P.O. Box 1427  
Hines, IL 60141  
Voice: (708) 202-2451  
FAX: (708) 202-2239

**John Murray**

---

**From:** Vega, Robert M. [Robert.Vega@va.gov]  
**Sent:** Friday, December 10, 2010 8:34 AM  
**To:** John Murray  
**Cc:** THERESA JOHNSON  
**Subject:** FW: Touhy Request Letter Re: Dustin Joiner and Bunty Kothari Fw: Plaintiff's Amended Complaint  
Re: Touhy Request

**Signed By:** Verifying the signature. Click the icon for details.

As requested.

*Robert Vega*

Staff Attorney  
Chicago Office of Regional Counsel  
Department of Veterans Affairs  
P.O. Box 1427  
Hines, IL 60141  
Voice: (708) 202-2451  
FAX: (708) 202-2239

---

**From:** Vega, Robert M.  
**Sent:** Friday, December 10, 2010 8:26 AM  
**To:** 'THERESA JOHNSON'  
**Subject:** RE: Touhy Request Letter Re: Dustin Joiner and Bunty Kothari Fw: Plaintiff's Amended  
Complaint Re: Touhy Request

Ms. Johnson:

This email is sent pursuant to your request this morning to update you.

I received your Touhy request. It fully discusses the elements as requested in my letter dated October 7, 2010.

Your request is being considered.

We may be able to arrange a 15 minute interview with Mr. Kothari; however, I do not anticipate that I can respond to the rest of your request today because it was tendered only 2 days ago and I was out sick yesterday.

Sincerely,

*Robert Vega*

Staff Attorney  
Chicago Office of Regional Counsel  
Department of Veterans Affairs  
P.O. Box 1427  
Hines, IL 60141  
Voice: (708) 202-2451  
FAX: (708) 202-2239

1/26/2011

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**From:** THERESA JOHNSON [mailto:theresavjohnson@prodigy.net]  
**Sent:** Wednesday, December 08, 2010 7:46 PM  
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**Cc:** Kevin Duff; John Murray  
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**Dear Attorney Vega,**

**Per our telephone conversation earlier today, attached please find my Touhy Request Letter that I told you I would send today. This letter was also sent successfully by facsimile at 07:26 p.m.**

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Theresa V. Johnson  
Attorney at Law  
Law Office of Theresa V. Johnson  
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Westmont, IL 60559  
Tel.: (630) 321-1330  
Fax: (630) 321-1185

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**To:** THERESA JOHNSON <theresavjohnson@prodigy.net>  
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Ms. Johnson:

This email is sent to confirm that, as of this date, you have failed to submit a request that discusses the Touhy issues I described for you in my letter on 10/7/10.

This and your prior email do not qualify as an actual submission as they wholly fail to discuss any of the elements of 38 CFR 14.800 – 14.810 identified in my letter.

You have indicated that you will send a responsive request today.

Sincerely,

*Robert Vega*

Staff Attorney  
Chicago Office of Regional Counsel  
Department of Veterans Affairs  
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Voice: (708) 202-2451  
FAX: (708) 202-2239

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**From:** THERESA JOHNSON [mailto:theresavjohnson@prodigy.net]  
**Sent:** Tuesday, December 07, 2010 12:03 PM

1/26/2011

**To:** Vega, Robert M.  
**Cc:** Theresa Johnson  
**Subject:** Dustin Joiner and Bunty Kothari Fw: Plaintiff's Amended Complaint Re: Touhy Request

Dear Attorney Vega,

I inadvertently omitted the 2 VA employees named in the upper left corner of your letter of November 30, 2010: Dustin Joiner and Bunty Kothari. These names should follow after Michelle Hinton's name as persons I request to interview and call as witnesses at trial. Thank you.

Sincerely,

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Attorney at Law  
Law Office of Theresa V. Johnson  
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Tel.: (630) 321-1330  
Fax: (630) 321-1185

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**From:** THERESA JOHNSON <theresavjohnson@prodigy.net>  
**To:** "Vega, Robert M." <Robert.Vega@va.gov>  
**Cc:** Theresa Johnson <theresavjohnson@prodigy.net>  
**Sent:** Tue, December 7, 2010 11:40:27 AM  
**Subject:** Plaintiff's Amended Complaint Re: Touhy Request

Dear Attorney Vega,

In partial compliance with the Touhy letter, attached please find **Plaintiff's Amended Verified Complaint**. Please be advised that as of yesterday, December 6, 2010, Plaintiff claims against Noel Flanagan were dismissed. Based on your letter dated November 30, 2010, to me and Defendants counsel, John Murray, I *assume that Defendants may have already given you the Complaint or other information that has apprised you of the issues in the case*. I apologize if this information is redundant to what you already know. As I have stated in prior communications, Plaintiff has no claims against the VA or anyone working at the VA.

I hereby request would also like to approximately 1/2 hour interviews **Officer Bob Adrowski** and **Randy Padel** and **Ron Klavohn** on any of the following dates: December 8, 9, 10. I have identified these persons as trial witnesses in my 213 discovery disclosures. I beg your permission to call these persons as witnesses at trial.

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I have asked Defendants counsel, John Murray, for copies of their communications with you regarding their request to interview or depose above individuals referenced in your letter;

1/26/2011



however, to date they have not tendered it. I asked John Murray if he provided an affidavit to you regarding testimony of any witnesses and he indicated that he did not. My understanding from you was that an affidavit was required.

On information and belief, per your letter dated November 30, 2010, you have permitted Defendants to interview with the following VA employees:

**Jerry Taylor**  
**Linda Dunlap**  
**Kimberley Griffin**  
**Ron Klavohn** (same individual as named above)  
**Michelle Hinton**

I request an interview with ***these same individuals*** named above regarding the same matters, if any identified by defendants. I request an interview time on of 1/2 hour each on December 8, 9, or 10th. If Defendants are interviewing any of these persons during this week, on the 8th, 9th, or 10th, I request an interview them immediately before or after Defendants (i.e. same approximate time slot). I believe this approach would likely cause the least amount of disruption of the VA work flow. If Defendants are not interviewing the above named individuals, I will am available any time on those days, with except during the court hour of 10:00 a.m. December 10th and part of the morning on December 9th (I must take a relative to the doctor).

I will send my request also by fax, which will include a description of expected testimony.

Sincerely,

Theresa V. Johnson  
Attorney at Law  
Law Office of Theresa V. Johnson  
200 East Chicago Ave. Suite 200  
Westmont, IL 60559  
Tel.: (630) 321-1330  
Fax: (630) 321-1185

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**From:** "Vega, Robert M." <Robert.Vega@va.gov>  
**To:** theresavjohnson@prodigy.net  
**Sent:** Mon, November 8, 2010 10:06:13 AM  
**Subject:** Touhy Request

As requested:

<<...>>

*Robert Vega*

Staff Attorney  
Chicago Office of Regional Counsel  
Department of Veterans Affairs

1/26/2011

P.O. Box 1427  
Hines, IL 60141  
Voice: (708) 202-2451  
FAX: (708) 202-2239

**John Murray**

---

**From:** THERESA JOHNSON [theresavjohnson@prodigy.net]  
**Sent:** Wednesday, January 12, 2011 8:39 PM  
**To:** Kevin Duff; John Murray  
**Cc:** Theresa Johnson  
**Subject:** Cynowa Supplement 1/12/2011 Fw: VA Employees - Evidence Depositions  
Kevin & John,

Cynowa Supplement: email to Vega: 1/12/2011.

Sincerely,

Theresa V. Johnson  
Attorney at Law  
Law Office of Theresa V. Johnson  
200 East Chicago Ave. Suite 200  
Westmont, IL 60559  
Tel.: (630) 321-1330  
Fax: (630) 321-1185

----- Forwarded Message -----

**From:** THERESA JOHNSON <theresavjohnson@prodigy.net>  
**To:** Robert M. Vega <Robert.Vega@va.gov>  
**Cc:** Theresa Johnson <theresavjohnson@prodigy.net>  
**Sent:** Wed, January 12, 2011 5:29:47 PM  
**Subject:** VA Employees - Evidence Depositions

Mr. Vega,

I left you a voice message today - we would like to take the evidence deposition of Office Bob Adrowski and others.

My understanding when we spoke on the phone on Friday is that you would be sending me a letter on Tuesday, January 11, 2011. I have not received any written communications from you regarding interview and/or evidence depositions and/or denying our request for VA employees to be called at witnesses at trial. You mentioned that you would allow the evidence depositions of witnesses if you deny our request to call Government employees to be witnesses at trial. Please indicate the evidence deposition arrangements in your letter - which I hope will be coming soon. Thank you so much.

Sincerely,

Theresa V. Johnson  
Attorney at Law  
Law Office of Theresa V. Johnson  
200 East Chicago Ave. Suite 200  
Westmont, IL 60559  
Tel.: (630) 321-1330  
Fax: (630) 321-1185

1/26/2011

**John Murray**

---

**From:** THERESA JOHNSON [theresavjohnson@prodigy.net]  
**Sent:** Wednesday, January 12, 2011 8:34 PM  
**To:** Kevin Duff; John Murray  
**Cc:** Theresa Johnson  
**Subject:** Cynowa Production Supplement Fw: Evidence Depositions  
Kevin & Johnson,

Cynowa Production Supplement: email to Attorney Vega 1/10/2011.

Sincerely,

Theresa V. Johnson  
Attorney at Law  
Law Office of Theresa V. Johnson  
200 East Chicago Ave. Suite 200  
Westmont, IL 60559  
Tel.: (630) 321-1330  
Fax: (630) 321-1185

----- Forwarded Message -----

**From:** THERESA JOHNSON <theresavjohnson@prodigy.net>  
**To:** Robert M. Vega <Robert.Vega@va.gov>  
**Cc:** Theresa Johnson <theresavjohnson@prodigy.net>  
**Sent:** Mon, January 10, 2011 9:58:51 PM  
**Subject:** Evidence Depositions

Mr. Vega,

You mentioned that you would allow the evidence depositions of witnesses if you deny our request to call Government employees to be witnesses at trial. I assume that you will provided the evidence deposition option in the letter you will be sending me on Tuesday, January 11, 2011. However, if you were not going to offer the evidence option in the letter, I hereby that you do offer that option in writing. Thank you.

Sincerely,

Theresa V. Johnson  
Attorney at Law  
Law Office of Theresa V. Johnson  
200 East Chicago Ave. Suite 200  
Westmont, IL 60559  
Tel.: (630) 321-1330  
Fax: (630) 321-1185

1/26/2011

**John Murray**

---

**From:** THERESA JOHNSON [theresavjohnson@prodigy.net]  
**Sent:** Wednesday, January 12, 2011 8:22 PM  
**To:** Kevin Duff; John Murray  
**Cc:** Theresa Johnson  
**Subject:** Fw: Letter to Vega Re: Taylor and Piper  
**Attachments:** Cynowa, Chris - Letter VA Rover Vega re Touhy Supplement Request 010511 0900am.doc  
Kevin & John,

Attached is letter from me to VA Attorney Vega dated January 5, 2011.

Sincerely,

Theresa V. Johnson  
Attorney at Law  
Law Office of Theresa V. Johnson  
200 East Chicago Ave. Suite 200  
Westmont, IL 60559  
Tel.: (630) 321-1330  
Fax: (630) 321-1185

----- Forwarded Message -----

**From:** THERESA JOHNSON <theresavjohnson@prodigy.net>  
**To:** Theresa Johnson <theresavjohnson@prodigy.net>  
**Sent:** Wed, January 5, 2011 9:03:41 AM  
**Subject:** Letter to Vega Re: Taylor and Piper

TVJ,

Revised letter to Vega for Taylor & Piper.

Sincerely,

Theresa V. Johnson  
Attorney at Law  
Law Office of Theresa V. Johnson  
200 East Chicago Ave. Suite 200  
Westmont, IL 60559  
Tel.: (630) 321-1330  
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1/26/2011