

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

3  
4 VIETNAM VETERANS OF AMERICA et  
al.,

No. C 09-0037-CW

5                                    Plaintiffs,

INTENDED JUDGMENT

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7                                    v.

8 CENTRAL INTELLIGENCE AGENCY, et  
al.,

9                                    Defendants.

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11                                    This matter came before the Court on Plaintiffs' motion for  
12 partial summary judgment and Defendants' cross-motion for summary  
13 judgment. On July 24, 2013, the Court issued an Order granting,  
14 in part, and denying, in part, Plaintiffs' motion for partial  
15 summary judgment and granting, in part, and denying, in part,  
16 Defendants' cross-motion for summary judgment. (Docket No. 537.)  
17 An Amended Order issued subsequently. Based on the Amended Order,  
18 and pursuant to Rule 54 of the Federal Rules of Civil Procedure,

19                                    IT IS HEREBY ADJUDGED AS FOLLOWS:

20 1. Judgment is entered for Plaintiffs on their claim, pursuant  
21 to the Administrative Procedures Act (APA), that Defendant  
22 Department of the Army (Army) has an ongoing duty to warn class  
23 members of any information acquired after the last notice was  
24 provided, and in the future, that may affect their well-being,  
25 when that information becomes available (Notice Claim). The Court  
26 declares that the Army has an obligation under AR 70-25 to warn  
27 individuals who, while serving in the armed forces, were test  
28 subjects in any testing program in which humans were exposed to a

1 chemical or biological substance for the purpose of studying or  
2 observing the effects of such exposure (that was sponsored,  
3 overseen, directed, funded, and/or conducted by the Department of  
4 the Army) of any information acquired after the last notice was  
5 provided, and in the future, that may affect their well-being,  
6 when that information becomes available. Plaintiffs are entitled  
7 to an injunction on that Notice Claim and such injunction shall  
8 issue.

9 2. Plaintiffs' claims that the Department of Defense and the  
10 Department of the Army, rather than the DVA, must provide medical  
11 care are adjudicated against Plaintiffs and in favor of  
12 Defendants.

13 3. The remainder of Plaintiffs' claims are adjudicated against  
14 Plaintiffs and in favor of Defendants.

15 All parties shall bear their own costs.

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17 IT IS SO ORDERED.

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19 Dated:

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CLAUDIA WILKEN  
United States District Judge

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