

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

3
4 VIETNAM VETERANS OF AMERICA et
5 al.,

No. C 09-0037-CW

6 Plaintiffs,

JUDGMENT

7 v.

8 CENTRAL INTELLIGENCE AGENCY, et
9 al.,

10 Defendants.

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

20 IT IS HEREBY ADJUDGED AS FOLLOWS:

21 1. Judgment is entered for Plaintiffs on their claim, pursuant
22 to the Administrative Procedures Act (APA), that Defendant
23 Department of the Army (Army) has an ongoing duty to warn class
24 members of any information acquired after the last notice was
25 provided, and in the future, that may affect their well-being,
26 when that information becomes available (Notice Claim). The Court
27 declares that the Army has an obligation under AR 70-25 to warn
28 individuals who, while serving in the armed forces, were test
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 4. The issues of fees and other awardable expenses will be
16 reserved until after appeal.

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18 IT IS SO ORDERED.

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20 Dated: 11/19/2013


CLAUDIA WILKEN
United States District Judge

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