

EXHIBIT 79

PUBLIC REDACTED VERSION

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

VIETNAM VETERANS OF AMERICA, et al.,
Plaintiffs,
-versus- Case No. CV 09-0037-CW
CENTRAL INTELLIGENCE AGENCY, et al.,
Defendant.

STENOGRAPHIC MINUTES OF THE DEPOSITION OF
PLAINTIFF **DAVID C. DUFRANE**, held on MONDAY, JUNE 13,
2011, in the United States Attorney's Office, James T.
Foley Courthouse, 445 Broadway, Albany, New York, before
STEPHANIE A. RAGONE, Court Reporter and Notary
Public in and for the State of New York.

A P P E A R A N C E S:

MORRISON & FOERSTER, LLP
425 Market Street
San Francisco, California 94105-2482
BY: BEN PATTERSON, ESQ.
Appearing for Plaintiffs

BRIGHAM J. BOWEN, TRAIL ATTORNEY
Federal Programs Branch
U.S. Department of Justice
Civil Division
20 Massachusetts Ave., NW
P.O. Box 883
Washington, DC 20044

(Dufrane - Bowen)

1 ever came in and followed up on that, either.

2 Q Have you ever sought follow-up care from
3 the Army?

4 A Yes.

5 Q How have you done that?

6 A I asked Mrs. -- in the last, within the
7 last ten years to have Walter Reed do a check up on
8 me because of the arms and the headaches. And I'm
9 trying to think how it played out. My veterans
10 counselor was either REDACTED or REDACTED I think
11 it might have been REDACTED wrote a letter and I
12 have copies of that somewhere.

13 Q Have you given those documents to your
14 lawyers?

15 A I think they have them. I think they are
16 in there somewhere.

17 MR. BOWEN: Mr. Patterson, do you
18 know if you received these letters?

19 MR. PATTERSON: Yes. And they have
20 been produced.

21 MR. BOWEN: When were they produced?

22 MR. PATTERSON: I believe these were
23 sometime in the fall of last year.

24 BY MR. BOWEN:

25 Q When you say that you sought to have Walter

(Dufrane - Bowen)

1 Reed give you a check-up sometime in the last ten
2 years, do you remember approximately when in the last
3 ten years that was?

4 A No, I don't remember when.

5 Q And what happened?

6 MR. PATTERSON: Objection, vague.

7 A I don't know. It just never happened. It
8 always gets to the point where I couldn't deal with
9 the VA any more because I was always getting a
10 different doctor. And every time I had a doctor, I
11 would get rescheduled. It -- not very often. You
12 would have to hound them to reschedule it. But every
13 time you went you ended up with a different doctor.
14 So every time you started with square one you get to
15 this point and the next appointment you go back you
16 go to a different doctor so you started back there
17 again. Nobody ever did -- they didn't know anything
18 about these chemicals and they weren't going to take
19 the time to find out.

20 Q So your -- your representative, either
21 REDACTED or the other gentleman you mentioned, sent
22 a letter to Walter Reed; is that correct?

23 A I don't know where it was sent to.

24 Q But you do know that it was sent?

25 A Yes, I do. It was at least written, I can

(Dufrane - Bowen)

1 tell you that much.

2 Q And it is your testimony that there was no
3 response ever received?

4 MR. PATTERSON: Objection, misstates
5 prior testimony.

6 A Nothing ever happened.

7 Q Do you recall when you received the
8 response?

9 A No, I don't.

10 Q I direct your attention to the last
11 sentence of paragraph eighty. It says, David
12 currently receives sixty percent VA disability
13 compensation for post-traumatic stress disorder.

14 Did I read that correctly?

15 A No, you did not read it correctly.

16 (The pending question was read by
17 the court reporter.)

18 A You read it correctly. It's not correct.
19 My post-traumatic stress is thirty percent and the
20 other one is -- the post-traumatic stress is thirty
21 and the other one is at forty.

22 Q Forty percent disability?

23 A So the total is seventy. In the VA math
24 that comes out to sixty, but they do pay me at sixty
25 percent.

(Dufrane - Bowen)

1 So I don't know exactly what dates, you know, what
2 years that they redid it, I would have to look.

3 Q Has it been more than two years?

4 A Oh, yeah.

5 Q More than five?

6 A That's at the top end, I don't know.

7 Q But for a few years, then?

8 A Yes.

9 Q Mr. Dufrane, do you know what substances
10 you were tested with?

11 MR. PATTERSON: Objection, vague.

12 BY MR. BOWEN:

13 Q You may answer.

14 A No, not really, no.

15 Q Have you ever received documents
16 identifying the substances you were tested with?

17 MR. PATTERSON: Objection, vague.

18 BY MR. BOWEN:

19 Q You may answer.

20 A Yeah. But not anything that the average
21 person could understand, that numbers like, you know,
22 EA numbers and most of the chemicals weren't
23 identified where I could understand it.

24

REDACTED

25

(Dufrane - Bowen)

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REDACTED

11 Q You went to the VA in 1986 or perhaps 1985
12 or 1987?

13 A Right.

14 Q Was that the first time you told anyone
15 about your time at Edgewood?

16 A No, probably not.

17 Q Who had you told previously?

18 A We had done a survey from the National
19 Research Council. I think prior to that they had
20 sent me a big long questionnaire and I came back and
21 I may have talked to some people about that, a
22 girlfriend at that point, I may have talked to her
23 about it.

24 Q Was this in the early eighties?

25 A That was like in the mid-eighties, I think

(Dufrane - Bowen)

1 A Yeah.

2 Q I see. So sometime between 1986 and 1993?

3 A Later, late end of that, maybe in '89, '90
4 somewhere.

5 Q Who also have you told about your time at
6 Edgewood?

7 A During what time period?

8 Q Well, during any time period. You can list
9 as many people as you can remember.

10 A Very few. Nobody will understand it or
11 believe it.

12 Q You have been married prior to this
13 marriage; is that correct?

14 A That's correct.

15 Q Had you told your prior wife --

16 A No.

17 Q -- about your experience at Edgewood?

18 A No.

19 Q So only your current wife?

20 A Right.

21 Q Any other members of your family?

22 A That know about it.

23 Q That you have talked to about it?

24 A Not in any depth, no. I have two boys and
25 a daughter. My daughter is the one who found the

(Dufrane - Bowen)

1 Q I direct your attention to page five.
2 There is a list of general frequently asked questions
3 regarding chemical biological warfare. Take a minute
4 to review those, if you would.

5 A (Complies.) Okay.

6 Q Based on your experience as an Edgewood
7 participant, are there any topics that should be
8 listed here but are not?

9 MR. PATTERSON: Objection. Lacks
10 foundation, calls for speculation.

11 BY MR. BOWEN:

12 Q You may answer.

13 A Yeah. I think there should be some kind of
14 a cross reference so that the Edgewood -- and the 112
15 and SHAD I am not familiar very much with at all --
16 but there should be some kind of a cross reference
17 where people can go in and find out what these
18 chemicals are by their name, you know. By EA number
19 or whatever number they refer to them as, there
20 should be some kind of a system where you can
21 actually go in and find out what you were exposed to.

22 Q And is it your testimony that you are not
23 aware of what you were exposed to, sir?

24 A Not completely, no.

25 Q How do you mean not completely?

(Dufrane - Bowen)

1 A Well, I don't understand most of them in
2 laymen's terms, you know. For instance, the REDACTED
3 REDACTED there is about ten different varieties of
4 that. And according to the doctors it's it
5 should be listed as REDACTED it shouldn't have some
6 name covering it up. It needs to be out in the open
7 so we know what it was so if we do go to seek medical
8 help we can say this is what we were exposed to. You
9 can't give some guy four numbers and have him figure
10 something out. Not that he's going to look at it
11 anyway because he doesn't want to get involved with
12 you. There should be some kind of cross reference.
13 It's been long enough that this stuff should be out.

14 Q You said, help me understand -- you said
15 someone identified as REDACTED

16 A Yes.

17 Q Is that correct?

18 A Yes.

19 Q Who did that?

20 A Ketchum.

21 Q Ketchum did?

22 A Yes.

23 Q And when?

24 A One of his interviews or it was one of his
25 interviews that he did.

1 STATE OF NEW YORK)
2 COUNTY OF) ss.:

3

4 I have read the foregoing record of my testimony
5 taken at the time and place noted in the heading
6 hereof and I do hereby acknowledge it to be a
7 true and correct transcript of the same.

8

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David C. Dufrane

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Sworn to me this

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day of 2011

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Notary Public

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REPORTER'S CERTIFICATE

I, STEPHANIE RAGONE, Court Reporter
and Notary Public in and for the State of New York,
do hereby certify that I recorded stenographically
the foregoing proceedings, taken at the time and
place as mentioned, and the preceding is a true
and accurate transcript thereof, to the best of
my knowledge and belief.

STEPHANIE RAGONE

DATED: