

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

VIETNAM VETERANS OF AMERICA et al.,

No.: CV 09-0037-CW

Plaintiffs,

**DECLARATION OF
MATTHEW J. SCHOFIELD**

v.

CENTRAL INTELLIGENCE AGENCY, et
al.,

Defendants

Pursuant to 28 U.S.C. § 1746, I hereby declare as follows:

1. I am the Program Manager, Medical Care Injunction for Participants of Chemical or Biological Substance Testing Programs, Army Public Health Center (APHC), U.S Army Medical Command (MEDCOM), and the MEDCOM Field Operating Agency with responsibility for supporting the U.S. Army in relation to this litigation.
2. The statements made in this declaration are based upon on my personal knowledge, information contained in agency files, and information furnished to me in the course of my official duties.
3. On July 3, 2018, I submitted a declaration in connection with Army’s submission of a status report that I believed to be fully accurate and that was based on information furnished to me. ECF No. 611-1. I have since learned that the declaration contained inaccuracies, which I now wish to correct.
4. In particular, my declaration stated that, on June 8, 2018, the MEDCOM Office of the Staff Judge Advocate (OSJA) notified Plaintiffs’ counsel of the denials of medical care to date. ECF No. 611-1 ¶ 5. As I have since come to understand, that statement was

1 incorrect and was based on a miscommunication between MEDCOM staff and Army
2 counsel.

3 5. The numerical breakdown of the number of individuals who were denied medical care,
4 whether in part or in whole, were provided in the status report and in my declaration.

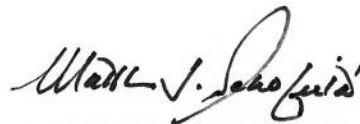
5 *See* Status Report. ECF No. 611 at 2, and Schofield Decl. ¶ 5. However, this
6 information was not communicated to Plaintiffs' counsel.

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8 6. Once this error was identified, Army requested that Department of Justice counsel
9 transmit this information to Plaintiffs' counsel. As a result, I understand that on July
10 27, 2018, Department of Justice counsel sent an email to Plaintiffs' counsel providing
11 the names and contact information (subject to the protective order) of the 23 individuals
12 granted care in part and denied care in part and three individuals denied care in full.

13
14 7. I also wish to amend paragraph 8 of my declaration. ECF No. 611-1 ¶ 8. To clarify,
15 some applicants have expressed interest to MEDCOM in requesting health care from
16 the VA in lieu of receiving care at the closest Military Treatment Facility (MTF).

17
18 8. I regret the errors in my prior declaration, but they were based on information provided
19 to me upon which I relied.

20 I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true
21 and correct. Executed on August 8, 2018.

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24 MATTHEW J. SCHOFIELD, PHD
25 COLONEL, U.S. ARMY