

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

VIETNAM VETERANS OF AMERICA et  
al.,

No. C 09-0037-CW

Plaintiffs,

INTENDED JUDGMENT

v.

CENTRAL INTELLIGENCE AGENCY, et  
al.,

Defendants.

\_\_\_\_\_ /

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

IT IS HEREBY ADJUDGED AS FOLLOWS:

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

United States District Court  
For the Northern District of California

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

United States District Court  
For the Northern District of California

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.

17 IT IS SO ORDERED.

19 Dated:

\_\_\_\_\_  
CLAUDIA WILKEN  
United States District Judge