

EXHIBIT A

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

VIETNAM VETERANS OF AMERICA, et al.,
Plaintiffs,
v.
CENTRAL INTELLIGENCE AGENCY, et al.,
Defendants.

Case No. CV 09-0037-CW (EDL)

**DECLARATION OF LLOYD
ROBERTS, UNITED STATES
ARMY MEDICAL RESEARCH
INSTITUTE OF CHEMICAL
DEFENSE**

I, Lloyd Roberts, do hereby state and declare as follows:

1. I am employed by the United States Army Medical Research Institute of Chemical Defense (USAMRICD) as a biological scientist in the Safety, Surety, Security and Intelligence Office. I serve as the USAMRICD Freedom of Information Act officer. In that capacity, I have provided information to test participants concerning their involvement in the test programs. I am also the USAMRICD public affairs officer and am responsible for foreign disclosure and international programs. I am generally familiar with this litigation. I was deposed twice in this litigation, once in my individual capacity and once as a Rule 30(b)(6) designee on behalf of the Department of Defense and Department of the Army. The statements set forth herein are based on both my personal knowledge of my organization, the Army test programs at issue, the government’s outreach efforts concerning veteran test participants, as well as information made available to me in my official capacity, including in the course of this litigation.

2. I am aware that the Court’s November 19, 2013 injunction requires the Army to provide a report which “describes the efforts it has undertaken to locate the Newly Acquired Information as of the Entry Date from the various sources of information it has available to it . . .” Dkt. 545 at

¶ 4.a. The injunction further requires the Army to confirm “whether Newly Acquired Information

1 has been found and describing generally its nature;” and to explain “the plan it has in its discretion
2 developed for transmitting Newly Acquired Information to the class members entitled to
3 notification, including the methods intended for notification” *Id.* at ¶ 4.b.-c. The injunction
4 also requires the Army to commit to “transmit the Newly Acquired Information as of the Entry
5 Date to those class members no later than one hundred twenty (120) days from the Entry Date, and
6 outline[] its plan to do so.” *Id.* at ¶ 4.d. Finally, the injunction requires that the Army’s report
7 “outline[] the plan and policies it has in its discretion developed for (i) periodically collecting and
8 transmitting Newly Acquired Information that becomes available to it after the Entry Date and (ii)
9 provide[] any necessary update reports to the Court regarding such future efforts.” *Id.* at ¶ 4.e.

10 3. In this declaration, I provide additional information in response to the Court’s April 2,
11 2014 Order. Dkt. 562

12 4. Between November 19, 2013 (the entry date of this Court’s injunction) and March 6, 2014
13 (the date the Army filed its original Report to the Court), I conferred extensively with Army and
14 DoD scientists to share and collect data that ultimately was used to create the Army’s March 6,
15 2014 Report.

16 5. I am aware that the Court recently has directed the Army to “describe [the Army’s] effort
17 to confirm the lack of information in its possession since the entry of the injunction.” Dkt. 562.

18 6. In order to confirm the lack of any Newly Acquired Information in the Army’s possession
19 that had not been previously made available, I contacted key officials and scientists who
20 participated in preparing the Army’s initial report to the Court. These officials represented the
21 following Army and Department of Defense components: (1) the Executive Officer to the Deputy
22 Assistant Secretary of Defense for Force Health Protection and Readiness (FHP&R). FHP&R
23 historically has been responsible for outreach efforts associated with the test programs. (2) US
24 Army Medical Research Institute of Infectious Diseases (USAMRIID) and (3) USAMRICD
25 leadership, including its Chemical Casualty Care Division.

26 7. I queried these officials as to whether they were aware of any un-disseminated pertinent
27 information, whether in possession of FHP&R or in the possession of the Army, which might
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1 affect the long-term health of test participants. None of the scientists or key leaders from these
2 offices with whom I conferred in connection with the original report to the Court was aware of
3 any Newly Acquired Information in the Army's possession that might affect the long-term health
4 of the test participants.

5 8. The responses I received from the Army and DoD scientists and key leaders is also
6 consistent with the conclusions reached by the experts retained by the government in this case. I
7 have reviewed the government's expert reports, and those experts concluded, after a review of the
8 literature to date, that there was insufficient evidence to support the conclusion that long-term
9 health effects would result from the test program.

10 9. In accordance with the plan outlined in its March 6 Report, the Army has undertaken
11 measures to determine the magnitude of the project of conducting future scientific literature
12 searches pertaining to chemical and biological substances at issue in this case. The Army has
13 completed the first step of its plan and determined, in general terms, the magnitude of the project.
14 The Army currently is working on the second step of its multi-step plan and, in particular, is now
15 developing a Performance Work Statement (PWS) designed to further comply with the Court's
16 injunction that will describe the databases to be searched, date ranges of publications, and
17 keywords for searches. The Army estimates that consultations within MRMC and between
18 MRMC and MEDCOM to finalize the PWS will be completed, and will be forwarded to Army
19 Medical Command (MEDCOM), by approximately May 5, 2014.

20 10. Based upon my training and experience, and upon my initial, but incomplete, assessment
21 of the scope and magnitude of the project, I estimate that, if the project were to be conducted "in-
22 house" (as opposed to being conducted by a contracted third party) the project would take
23 approximately 1,800 work hours to complete.

1 I declare under penalty of perjury that the foregoing is true and correct. Executed in
2 Aberdeen Proving Ground, Maryland, on April 16, 2014.

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5 Lloyd Roberts
6 U.S. Army Medical Research Institute of Chemical
7 Defense
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