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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 COL BRIAN J. GENTILE, ACTING COMMANDER, UNITED STATES ARMY MEDICAL RESEARCH INSTITUTE OF INFECTIOUS DISEASES**

I, COL Brian J. Gentile, do hereby state and declare as follows:

1. I am the Acting Commander of the United States Army Medical Research Institute of Infectious Diseases (USAMRIID). In that capacity, I have overall responsibility for and authority over the actions of the USAMRIID, and the civilian and military personnel assigned to the USAMRIID. USAMRIID is the Department of Defense's lead laboratory for medical and biological defense research. While its core mission is to protect the warfighter from biological threats, USAMRIID also investigates disease outbreaks and threats to public health. I am familiar with the general details of this present litigation and am providing the following statement based on my personal knowledge, as well as information made available to me during the course of this litigation in my official capacity.

2. The Army stated in its March 6, 2014 report (Dkt. 561), that the Army is unaware of any Newly Acquired Information, as that term is defined by the Court's November 19, 2013 Injunction (Dkt. 545). The Army's Report also states, with respect to plans for periodically collecting and transmitting Newly Acquired Information that becomes available to the Army, that "[k]ey Army leaders within Army Medical Command will be tasked to inform the Army Surgeon General

1 (TSG) or his/her designee(s) of 'Newly Acquired Information' within their commands and area of  
2 responsibility.”

3 3. I am familiar with the Court's April 2, 2014 Order (Dkt. 562), regarding the Army's  
4 Report. The Court stated in that Order that the Army “does not describe any effort to confirm the  
5 lack of information in its possession since the entry of the injunction.” In addition, the Court's  
6 Order requires the Army to “identify the job titles of these '[k]ey Army leaders' and explain what  
7 it means to have Newly Acquired Information 'within their commands and area of responsibility'”.

8 4. In this declaration, I describe the Army's identification of job titles of “key Army leaders”  
9 and what it means to have Newly Acquired Information within their commands and area of  
10 responsibility, and I describe efforts, made since the entry date of the injunction, to confirm the  
11 lack of such information in its possession.

12 **I. IDENTIFICATION OF JOB TITLES OF “KEY ARMY LEADERS” AND WHAT**  
13 **IT MEANS TO HAVE NEWLY ACQUIRED INFORMATION WITHIN THEIR**  
14 **COMMANDS AND AREA OF RESPONSIBILITY.**

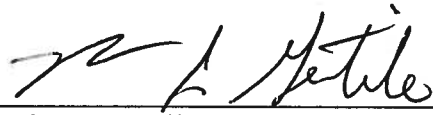
15 5. The Army has identified the Commander, USAMRIID, and the Commander, United States  
16 Army Medical Research Institute of Chemical Defense (USAMRICD), as key Army leaders  
17 within Army Medical Command who will be tasked to inform the Army Surgeon General or  
18 his/her designee(s) of 'Newly Acquired Information' concerning health effects within their  
19 commands and area of responsibility. USAMRIID and USAMRICD are subordinate Commands  
20 under the United States Army Medical Research and Materiel Command (USAMRMC). Army  
21 Medical Command (MEDCOM) is the superior supervising command over USAMRMC.  
22 USAMRIID and USAMRICD have been identified as the Army entities within which information  
23 relevant to this litigation is most likely to be located. As Commander, USAMRIID, information  
24 within my Command and area of responsibility would include information maintained within  
25 USAMRIID, and by USAMRIID personnel in their official capacity. If USAMRIID, while  
26 conducting its usual research missions, prospectively acquires information concerning long-term  
27 health effects that may affect the test participants' well-being, this command will alert Army  
28 Medical Command (MEDCOM) or the Army Surgeon General's Office.

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**II. DESCRIPTION OF THE ARMY’S EFFORTS TO CONFIRM THE LACK OF INFORMATION ITS POSSESSION SINCE THE ENTRY DATE OF THE INJUNCTION.**

6. The Army identified USAMRIID and USAMRICD as entities within the Army that would be familiar with the research that was the subject of this litigation, and that would be most likely to have Newly Acquired Information, if it existed. An inquiry was made of key personnel within USAMRIID (*i.e.*, officials and employees who by virtue of their official duties and expertise were most likely to have relevant information concerning the health effects of various chemicals) to determine if they were aware of whether the Army currently possessed any Newly Acquired Information concerning health effects within USAMRIID, as defined by the Court’s injunction, and these officials indicated that they did not currently possess any such information.

I declare under penalty of perjury that the foregoing is true and correct. Executed in Frederick, Maryland on April 16, 2014.



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Brian J. Gentile  
Acting Commander  
U.S. Army Medical Research Institute of Infectious Diseases