

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF CALIFORNIA
3

4 VIETNAM VETERANS OF AMERICA et
al.,

5 Plaintiffs,

6 v.

7 CENTRAL INTELLIGENCE AGENCY, et
8 al.,

9 Defendants.

No. CV 09-0037-CW

ORDER FOR FURTHER
BRIEFING REGARDING
INJUNCTION ON
REMAND

10 _____/
11 On January 26, 2016, the Ninth Circuit panel filed an amended
12 opinion affirming in part and reversing in part this Court's
13 judgment and injunction. Specifically, the Ninth Circuit reversed
14 this Court's denial of injunctive relief compelling the Army to
15 provide medical care. This Court ordered the parties to meet and
16 confer regarding the Ninth Circuit's opinion in an attempt to
17 reach agreement on the form of an injunction consistent with the
18 Ninth Circuit's opinion. The parties were unable to reach
19 agreement. Currently before the Court are the parties' competing
20 forms of injunction. Having considered the parties' submissions
21 and the record in this case, the Court intends to enter an
22 injunction requiring the Army to effectuate their plan for
23 providing medical care as modified in the attached version. The
24 Court is not inclined to appoint a special master.

25 Within two weeks of the date of this order, Plaintiffs shall
26 file a response of fifteen pages or less to the Army's plan as the
27 Court proposes to modify it. Within two weeks thereafter, the
28 Army shall file a response of fifteen pages or less addressing the

1 Court's proposed modifications as well as any arguments raised by
2 Plaintiffs. Both parties may address in their filings the Army's
3 argument that it lacks authority to pay for medical care provided
4 outside of its network of Military Treatment Facilities.
5 Specifically, the parties may address the Court's authority to
6 require payment for providing such care.

7 IT IS SO ORDERED.

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9 Dated: December 7, 2016

10 CLAUDIA WILKEN
11 United States District Judge
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