

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

4 VIETNAM VETERANS OF AMERICA et
5 al.,

No. C 09-0037-CW

AMENDED JUDGMENT

6 Plaintiffs,

7 v.

8 CENTRAL INTELLIGENCE AGENCY, et
9 al.,

Defendants.

10 _____/
11 On remand from the Ninth Circuit Court of Appeals,

12 IT IS HEREBY ADJUDGED AS FOLLOWS:

13 1. Judgment is entered for Plaintiffs on their claim, pursuant
14 to the Administrative Procedures Act (APA), that Defendant
15 Department of the Army (Army) has an ongoing duty to warn class
16 members of any information acquired after the last notice was
17 provided, and in the future, that may affect their well-being,
18 when that information becomes available (Notice Claim). The Court
19 declares that the Army has an obligation under AR 70-25 to warn
20 individuals who, while serving in the armed forces, were test
21 subjects in any testing program in which humans were exposed to a
22 chemical or biological substance for the purpose of studying or
23 observing the effects of such exposure (that was sponsored,
24 overseen, directed, funded, and/or conducted by the Department of
25 the Army) of any information acquired after the last notice was
26 provided, and in the future, that may affect their well-being,
27 when that information becomes available. Plaintiffs are entitled
28

1 to an injunction on that Notice Claim and such injunction has
2 issued.

3 2. Judgment is entered for Plaintiffs on their claim, pursuant
4 to the APA, that Defendant Department of the Army has an ongoing
5 duty to provide medical care for diseases or conditions
6 proximately caused by their participation as research subjects in
7 the Army's chemical or biological substance testing programs
8 (Medical Care Claim). The Court declares that the Army has an
9 obligation under AR 70-25 to provide medical care to individuals
10 who, while serving in the armed forces, were test subjects in any
11 testing program in which humans were exposed to a chemical or
12 biological substance for the purpose of studying or observing the
13 effects of such exposure (that was sponsored, overseen, directed,
14 funded, and/or conducted by the Department of the Army) for any
15 diseases or conditions proximately caused by their participation
16 in such testing. Plaintiffs are entitled to an injunction on that
17 Medical Care Claim and such injunction has issued.

18 3. The remainder of Plaintiffs' claims are adjudicated against
19 Plaintiffs and in favor of Defendants.

20 4. The issues of fees and other awardable expenses will be
21 reserved.

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23 IT IS SO ORDERED.

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25 Dated: April 19, 2017



26 CLAUDIA WILKEN
27 United States District Judge
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