

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.

22  
23 IT IS SO ORDERED.

24  
25 Dated: April 19, 2017



26 CLAUDIA WILKEN  
27 United States District Judge  
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