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12 UNITED STATES DISTRICT COURT  
 13 NORTHERN DISTRICT OF CALIFORNIA  
 14 OAKLAND DIVISION

15 VIETNAM VETERANS OF AMERICA, et al.,

16 Plaintiffs,

17 v.

18 CENTRAL INTELLIGENCE AGENCY, et al.,

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

**ARMY'S JULY 3 STATUS  
 REPORT PURSUANT  
 TO MEDICAL CARE INJUNCTION**

1 The Department of the Army hereby provides the following correction to its July 3, 2018  
2 status report:

- 3 1. Pursuant to paragraph 4.b of the Court’s April 4, 2017 injunction, ECF No. 597, Army  
4 submitted a status report on July 3, 2018, updating the court on “how many applications  
5 [for medical care] have been received and considered, including a list of the applications  
6 approved, denied and pending.” July 3, 2018 Status Report, ECF No. 611. In support of  
7 the status report, Army submitted a declaration from Colonel Matthew Schofield, a  
8 program manager within MEDCOM. *See* July 3, 2018 Schofield Declaration, ECF No.  
9 611-1. The status report and declaration contained inaccuracies which Army now wishes  
10 to correct.
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- 12
- 13 2. The numerical breakdown of the number of individuals who were denied medical care,  
14 whether in part or in whole, were provided in the status report and in the declaration of  
15 Matthew Schofield. *See* Status Report. ECF No. 611 at 2, and July 3, 2018 Schofield  
16 Decl. ¶ 5.
- 17
- 18 3. However, both the status report and original Schofield declaration incorrectly stated that,  
19 on June 8, 2018, MEDCOM’s Office of the Staff Judge Advocate (OSJA) notified  
20 Plaintiffs’ counsel of these denials. *See* July 3, 2016 Status Report at 2; *see also* July 3,  
21 2018 Schofield Decl. ¶ 5. As explained in the Declaration of Matthew Schofield  
22 (“Schofield Declaration”), attached herewith as Exhibit 1, that statement was included in  
23 the declaration and status report based on a miscommunication between MEDCOM and  
24 Army counsel. *See* Schofield Decl. ¶ 4 (Ex. 1). Once the error was brought to Army’s  
25 attention in response to a communication from Plaintiffs’ counsel, Army requested that  
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1 Department of Justice counsel transmit the information to Plaintiffs' counsel regarding  
2 the denials of medical care to date. *Id.*

- 3 4. In response, on July 27, 2018, Department of Justice counsel sent an email to Plaintiffs'  
4 counsel providing the names and contact information (subject to the protective order) of  
5 the 23 individuals granted care in part and denied care in part and three individuals  
6 denied care in full pursuant to the Court's Medical Care Injunction. As noted, these  
7 statistics were included in Army's original July 3, 2018 Status Report. ECF No. 611 at 2.  
8
- 9 5. In addition, the attached Schofield Declaration clarifies that some applicants who have  
10 been granted medical care pursuant to the Medical Care Injunction have expressed  
11 interest to MEDCOM in requesting health care from the VA in lieu of treatment at the  
12 nearest MTF. *See* Schofield Decl. ¶ 5 (Ex. 1). The July 3, 2018 status report and original  
13 July 3, 2018 Schofield Declaration incorrectly stated that no such requests had been  
14 received. *See* July 3, 2018 Status Report at 3 (stating that no requests for assistance for  
15 VA care were received with respect to class members granted medical care who reside  
16 more than 50 miles from a MTF); July 3, 2018 Schofield Decl. ¶ 8 (same).  
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20 Dated: August 10, 2018

Respectfully submitted,

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**Attestation Pursuant to Civil Local Rule 5-1**

I, Nicholas Cartier, am the ECF User whose ID and password are being used to file this document.

Date: August 10, 2018

/s/ Nicholas P. Cartier  
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