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From: DRHOADES  
To: AGIF(rec)  
CC: AO.GRANTEES(rec)  
Subj: Court Issues Ruling in Ivy Case

Msg:

AOCAP MEMO

TO: All AOCAP Grantees

FROM: Dennis Rhoades, Executive Director AOCAP

SUBJECT: Judge Weinstein's ruling on AO Settlement Challenge

Earlier today Judge Weinstein handed down a ruling that essentially ends (if upheld in appeals) the new court case against the chemical companies brought last year in Texas on behalf of Vietnam veterans, family members and their survivors.

This case has become known as the Ivy case, after the lead plaintiff, and was pursued on the grounds that the plaintiffs they represented were not ill or affected at the time of the 1984 settlement, and therefore could not have been adequately covered by the terms of that original settlement.

We do not have the details of the Judge's ruling at this time, but we do know that at least a part of the justification he used for the adverse ruling was the work done by the Agent Orange Class Assistance Program and the services provided to exactly those class members represented by the Ivy suit.

We are all likely to be contacted by the news media because of the implications of the above, and also just generally because of the identification AOCAP-funded programs have gained with the settlement and the issue. The following is provided to you as guidance in offering news media reactions to the Judge's ruling if you are contacted.

1) Speaking as AOCAP-funded program representatives, you may not take a position on the case or Judge Weinstein's ruling. Nor may you express opinions as to the causal relationship between agent orange and any specific ailment or condition. As has always been the case for an AOCAP-funded program, any

actions undertaken are bound by the terms of the Settlement or rulings by Judge Weinstein on the case. You may experience attempts to elicit personal opinions, but be advised that you will probably still be quoted as a program representative in any resulting story.

2) You are encouraged to use the opportunity to talk about the services you offer and the accomplishments of your program. Regardless of any connection with the Ivy case or the justification for the Judge's ruling, we all have a lot to be proud of, and we should use the opportunity to tell people about it.

3) If there are any questions asked regarding the Agent Orange Class Assistance Program in general, the national outreach initiative or the overall planning or operational principles of the program, you should refer those questions to our office.

4) If you are asked any question(s) regarding the overall issue of agent orange; government policy, current VA benefits, state of the scientific research, consult the Agent Orange Self-Help Guide published by the National Veterans Legal Services Project.

If the answer to the question isn't in the Guide, you should refer the reporter to NVLSP directly. Be aware, however, that NVLSP is in no better position to answer specific questions about the Ivy case at this time as they have not been involved with the litigation. The next revised edition of the NVLSP AOC Self-Help Guide will have an explanation of the case and the Judge's ruling.

5) As you always do (or should be doing), if a media inquiry results in a newspaper or magazine article, please forward a copy to Mike Leaveck in the AOCAP office.

If you need any additional guidance, please contact your AOCAP grant representative.

Thanks for your attention to this matter.

Looking forward to seeing you in November.