

AGENT ORANGE HEALTH STUDY

P.O. Box # 1236

Eatontown, NJ 07724



James H. Budge, Jr.

19th April, 1992

National Coordinator & Founder

The Honorable Robert J. Del Tufo
New Jersey Attorney General
Hughes Justice Complex
CN #081,
Trenton, New Jersey, 08625

Re: Ivy vs Diamond Shamrock Chemical Company, et al.,
In The United States District Court For The Eastern
District Of New York.

Dear Attorney General Del Tufo;

On behalf of those who are taking part in my National Health Effects Study, I am writing to you to call your attention to, and to request your assistance in a Class Action Suit, for many of the Vietnam Veterans and their families, not only from the State Of New Jersey, but all around the United States.

The case is known as "Ivy vs Diamond Shamrock", now pending in the United States District Court. The plaintiffs are Vietnam Veterans who were exposed to the chemical known as Agent Orange, (which contained the unwanted by-product, DIOXIN), and who became ill since the 1984 settlement in the Agent Orange Product Liability Litigation, known as MDL-381. These Veterans and family members seek to remand the Ivy Case back to the Texas State Court System, to try and obtain compensation for the cancers, and/or other health problems caused by the defendants breach of duty.

The Ivy Case was originally filed as a Class action suit in the Texas State Court, and the case was removed first, to the Federal Court In Texas, and then to New York, Where the presiding Judge Jack B. Weinstein, dismissed all claims as foreclosed by the 1984 (MDL-381) settlement agreement.

(1)

SEARCHING FOR THE TRUE ANSWERS!!!

COPY

COPY

THE HONORABLE ROBERT J. DEL TUFO

19th APRIL, 1992

RE: IVY vs DIAMOND SHAMROCK.

Myself, and those who are taking part in my Study, are very concerned that the ruling denies a day in court to those victims, who were not yet sick in 1984, and whose claims had therefore not come into existence when the earlier MDL-381 case was settled. Now I ask you, "How Can Anyone Agree To A Settlement When They ARE Not Yet Sick"????

We are also concerned about the unwarranted Federal intrusion into the State Judicial System. The Federal Court denies the Texas State Court jurisdiction over personal injury cases, an area long considered within the province of State law. What will be the fallout from the high handed method, that is not supported by law, by which the "IVY" case was removed from Texas Court. Can this happen in the New Jersey courts??? And will it happen in other States around the country????

The State Of New Jersey, and its voting citizens have taken the lead in this country with the issue of Agent Orange, and the research that has been done by the New Jersey Agent Orange Commission, and their "Pointman Project". The total cost of that world-known research was funded by the citizens of the State Of New Jersey, with the hopes that their findings, would be presented to the Federal Government and its agencies, to help provide for the continuing care and treatment of the Vietnam Veteran, and his/her family member, who is suffering and dying as a result of the Veterans exposure to the unwanted by-product, "DIOXIN", that is well known to be the cause of many, many, serious health problems.

The plaintiffs in the "Ivy Case", have asked the court to reconsider, and I am quite sure, that they will appeal. My letter will serve as a request of your office, to contact the court and ask permission to join the brief filed by the State Of Alabama, and send a letter to the Attorney General Of Alabama, letting his office know that New Jersey would like to join any kind of brief that the Attorney General of the State Of Alabama files in the Ivy Case, for the Second Circuit Court Of Appeals, or to the United States Supreme Court, the highest court system in the land.

I trust that you have seen a copy of the brief that was filed by the Honorable James H. Evans, the Attorney General for the State Of Alabama. If you have not seen it, let me know, and I will provide a copy to you.

THE HONORABLE ROBERT J. DEL TUFO

19th APRIL, 1992

RE: IVY vs DIAMOND SHAMROCK.

COPY

I trust that you will be in contact with Attorney General Evans, on this matter, and show your full support with this very important matter, as it seems that Vietnam Veterans and their families, are the only group of people in this country, who can not get their day in court, in front of a jury of their peers. I thought that was one of the many reasons why we went to Vietnam in the first place, to fight for our Freedom, but to this point, Vietnam Veterans and their families, are not free. They are considered another group of "POW/MIA's", (prisoners-of-war- - missing-in-america).

Please help us to get our day in court, and help take the "Point", in this matter.

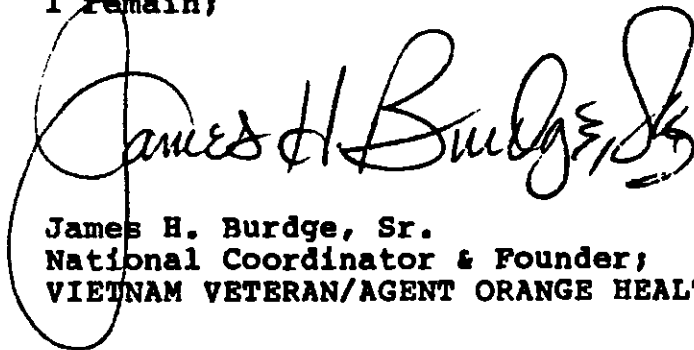
I am sending this letter to you, by Certified-Mail, Return-Receipt, so someone from your office knows of my request.

I trust that when you file a Brief in the Ivy Case, that you will forward a copy to my office, at the address at the top of page one of this letter.

Thank you in advance, for your time in this matter, and I hope that Vietnam Veterans and their families, can count on you, and the people of New Jersey, who has taken the lead for many years in the area of Agent Orange.

With the best interest of the Vietnam Veteran, their families, and those who STILL feel the effects of exposure to herbicides in mind,

I remain;



James H. Burdge, Sr.
National Coordinator & Founder;
VIETNAM VETERAN/AGENT ORANGE HEALTH STUDY

cc/file
agent orange coordinating council
vietnam veteran community

COPY

P 01 734 855
RECEIPT FOR CERTIFIED MAIL
 NO INSURANCE COVERAGE PROVIDED
 NOT FOR INTERNATIONAL MAIL
 (See Reverse)

Sent to	Honorable Robert J. Del Tufo
Street and No	
P. O. State and ZIP Code	
Postage	\$ 29
Certified Fee	1.00
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt showing to whom and Date Delivered	1.00
Return Receipt showing to whom, Date, and Method of Delivery	
TOTAL Postage and Fees	\$ 30.00
Postmark	07724 NJ 07210

COPY

STICK POSTAGE STAMPS TO ARTICLE TO COVER FIRST CLASS POSTAGE, CERTIFIED MAIL FEE, AND CHARGES FOR ANY SELECTED OPTIONAL SERVICES (see front)

1. If you want this receipt postmarked, stick the gummed stub to the right of the return address leaving the receipt attached and present the article at a post office service window or hand it to your rural carrier (no extra charge)
2. If you do not want this receipt postmarked, stick the gummed stub to the right of the return address of the article, date, detach and retain the receipt, and mail the article
3. If you want a return receipt, write the certified mail number and your name and address on a return receipt card Form 3811, and attach it to the front of the article by means of the gummed ends if space permits. Otherwise, affix to back of article. Endorse front of article **RETURN RECEIPT REQUESTED** adjacent to the number
4. If you want delivery restricted to the addressee, or to an authorized agent of the addressee, endorse **RESTRICTED DELIVERY** on the front of the article
5. Enter fees for the services requested in the appropriate spaces on the front of this receipt. If return receipt is requested, check the applicable blocks in item 1 of Form 3811.
6. Save this receipt and present it if you make inquiry