

# ***SOUND OFF!***



**BULLETIN**

**THE NEWSLETTER OF VETERANS UNITED FOR TRUTH, INC.**

**#45**

***“VETERANS STANDING UP FOR EACH OTHER”***

**10 MAY 2011**

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***\*We Won!\****

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**UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT SUPPORTS**  
**VUFT/VCS LAWSUIT AGAINST THE DEPARTMENT OF VETERANS AFFAIRS**  
**AND REMANDS THE CASE TO THE DISTRICT COURT FOR NORTHERN**  
**CALIFORNIA FOR IMPLEMENTATION**

10 May 2011 – San Francisco, CA

Today the Ninth Circuit ruled on the Veterans United For Truth/Veterans for Common Sense appeal of the US District Court's ruling in the case of VCS/VUFT v . Eric Shinseki, et al.

The original case was filed 23 July 2007. The District Court for Northern California (Judge Conti) ruled on the case on 25 June 2008. His ruling was, in essence, that our complaints were valid but that the District Court did not have jurisdiction to compel the DVA to act. Our appeal was filed almost immediately with the Ninth Circuit, and was argued on 12 August 2009. The ruling came today.

Just as veterans must suffer long waits for help, we had to wait 1,387 days for this ruling—almost four years. But in the end, the wait was worth it.

A “Case Management Conference” is set before Judge Conti for 27 May 2011 at 10:AM in Courtroom 1, floor, U.S. Courthouse, 450 Golden Gate Avenue, San Francisco, CA 94102.

The DVA has 45 days to appeal.

Our counsel's Media Advisory is attached for your information.

Sanford (Sandy) Cook, Vice Chair, for The Officers of Veterans United For Truth, Inc.

**MEDIA ADVISORY**

## **U.S. COURT OF APPEALS RULES THAT MEDICAL CARE DELAYS HAVE DEPRIVED VETERANS OF THEIR CONSTITUTIONAL RIGHTS**

May 10, 2011 -- The United States Court of Appeals for the Ninth Circuit issued a landmark decision today in favor of U.S. veterans, including those suffering from post-traumatic stress disorder (PTSD). In a decision that will impact tens of thousands of veterans in the U.S., the Ninth Circuit has ruled that the delay in providing medical care to veterans has deprived those veterans of their Constitutional rights.

**What:** A press conference will be held today by **Gordon Erspamer, Morrison & Foerster** partner and lead counsel for **Veterans for Common Sense** and **Veterans United For Truth, Inc.**, discussing the decision and its implications on our veterans.

**When:** Today, Tuesday, May 10, 2011, at 4:30 PM Pacific Time

**Where:** Morrison & Foerster's office located at 425 Market Street, 32nd Floor, San Francisco, California. If you cannot attend, please dial in for the Press Conference at 800-734-4208

**Why:** Veteran suicides have reached an epidemic level, with over 120 veterans taking their own lives every week, and 1000 suicide attempts per month among veterans under VA care. The 104-page decision noted that the U.S. Department of Veterans Affairs has failed to provide veterans with timely medical care and that the executive and legislative branches had failed to remedy the situation. This is an enormous victory for veterans everywhere. "This decision hopefully will serve as a model for veterans in the future, and as a testament to the bond of faith between our citizens and the defenders of our freedom," remarked Mr. Erspamer, lead counsel for plaintiffs; **Sid Wolinsky**, an attorney with **Disability Rights Advocates** added, "We expect that this decision will result in a swift decline in veteran suicides and attempted suicides and more timely processing of claims."