

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION**

JOHN A. PATTERSON, et al.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	No. 5:17-CV-00467
	)	
DEFENSE POW/MIA ACCOUNTING	)	
AGENCY, et al.,	)	
	)	
Defendants	)	
	)	

**SUPPLEMENTAL DECLARATION OF JOHN EAKIN**

I, John Eakin, pursuant to 28 U.S.C. § 1746, declare as follows:

1. On April 1, 2019, I became aware of additional documents that support the conclusions expressed in my declaration dated March 28, 2019. These documents were not known to me prior to this date.

2. The attached pages are a portion of a burial map legend and contain the following information relevant to my prior declaration

Page 6 of 40 pages

**"Col. Stuart - 51st [sic] Inf. forward of Hacienda position on S-bank River." Map reference # 48.**

Page 19 of 40 pages

**"1st LT Maynard, David O-384762 57th Inf K.I.A. Bataan (Grave 17, Row 1) Abucay Cem."**

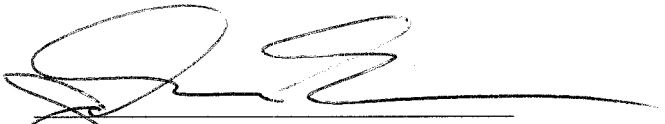
3. The information referenced above from page 6 supports my contention that the location of the grave of Col Stewart was well known to graves registration personnel. Note that

the name is misspelled "Stuart", but his rank, unit (57th Inf - there was no 51st Inf) and location of burial (Abucay Hacienda) are consistent with the information contained in X-3629.

4. The information referenced above from page 19 supports my contention that 1LT Nininger was buried in the Abucay Municipal Cemetery since Nininger and Maynard were assigned to the same unit and died during the same 24 hour period and almost certainly would have been buried near each other.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed this 1st day of April, 2019.



John Eakin

BATAN

On Tr. 8 - 1/2 - 1 mi. E. of Jct. Tr. 8 & 29. Maj. Wright, Capt. Tooth, 45<sup>th</sup> INF. & others.

On Tr. 429 1/4 mi. E. of Jct. Tr. 429 &amp; 6

A FLD. HOSP. shelled out. 1/2 mi. W. of Jct. Tr. 2 &amp; 429. No. of Tr. 429 E. slope PILAR R. (Many PA)

	MAP	No.
	BATAN	28
	"	29
	"	30
(200 yds NE Jct. Tr. 4 & 429 - Many killed.)		
- CAPT. DIXON		
Co. Wippenstein, INF. & others - K.I.A. 1 mi. NE Jct. Tr. 4 & 429 - E. PILAR R. & NE Jct. Tr. 2 & 429	"	31
31 <sup>ST</sup> DIV. CEM. No. of Tr. 2 close (NE 100 yds) Trail Jct. Tr. 2 - SAN VICENTE R. (WOOD)	"	32
51 <sup>ST</sup> DIV. CEM. No. of Tr. 2 - between San VICENTE R. & BELLOLO R. (About 30 PA) <sup>Top of rise - opposite Mango trees.</sup>	"	33
+ A.C. PROV. REGT. 1 1/2 mi. SW ORION - So. of CUT OFF on Tr. between CUT OFF & PANDAN R. (7 AM)	"	34
22 <sup>ND</sup> INF. CEM.	"	35
1000 yds. S. of PILAR-BAGAC Rd. (KM 138). W. of Tr. 4 - (close to Tr.) - (Some PA. No. Unknown)	"	35
53 <sup>RD</sup> INF. W. of Jct. Tr. 2 & Cross Tr. to 14 - Between Tr. Jct. & PILAR R.	"	36
31 <sup>ST</sup> DIV. CEM. S. of Jct. Tr. 2 & ORION CUT OFF about 1/4 - 1/2 mi. (P.A. No. Unknown)	"	37
Capt. Jack Spigler - Sgt. Lee - possibly others. Rico shed - N-Orion by small bridge.	"	38
Small plot E. of Rd. - died on hike - KM 136 - No. unknown.	"	39
S. edge PILAR-BAGAC RD. - KM 133 - Some AC Prov. Reg't. (AM)	"	40
Capt. E.M. Masterson <sup>AM</sup> & others this vicinity. Close KM 136, last house E. side of Rd.	"	41
BALANGA P.O. bk compound burial plot. Near River bend. See also BALANGA SKETCH	"	42
32 <sup>ND</sup> INF. (P.A.) CEM.	"	43
31 <sup>ST</sup> INF. (AM) CEM. close to GUITOL. W. of BALANGA. -- ALSO 33 <sup>RD</sup> INF. (P.A.) This vicinity. <sup>MAJ. KAPLAN. LT. MAYNARD.</sup>	"	44
41 <sup>ST</sup> INF. (RA) CEM. Some 690 Officers & men K.I.A. ABUCAY Battle.	"	45
57 <sup>TH</sup> INF. (P.S)	"	46
TRAINING CENTER HOSPITAL burial ground. Right in ABUCAY. Some 31 <sup>ST</sup> INF. (AM)	"	47
Co. L. STUART - 51 <sup>ST</sup> INF. forward of Hacienda position on S. bank RIVER.	"	48
Capt. Hunt, Lt. Stock, Lt. ---, K.I.A. - Knoll N. of RIVER - Bodies NOT rec'd.	"	49
	"	50
Two TANK GROUP Lts. Killed by shell fire fr Cotacider. E. side of Rd. KM 160.	"	51
At Little Baguio. B.H. #1. A QM Gr. Reg. Cem.	"	52

+ Known - Pvt. FERNALD, BANGOR, ME. &amp; others.

RANK  
1st Lt.

NAME

S.No. BR

Killed-Died-Last Seen Etc

Buried Map.

RANK	NAME	S.No. BR	Killed-Died-Last Seen Etc	Buried Map.
	Keizer, (Kysor-Last name)	MC	K.I.A. Corregidor (FIRST PERSON KILLED CORREGIDOR)	Corr
	Kirk, David	91ST Div INF	L-Seen Rodman	
	Levergood, George	60TH CAC	K.I.A. Corregidor	Cor Cor
	Lawrie-Smith	British Army. (Horse MANILA)		CEBU CEBU
	Mayhews, Nathaniel	31ST INF	K.I.A. Body to Balanga & BH*2	BH*2 BAT
	Maynard, David 0-384762	57TH INF	K.I.A. Batan. (Grave 17, Row 1)	ABUCAY CEM BAT
	Miller, Robert E. 0-890093	INF	Died P.O.W. Camp Cabanatuan	Cab Cab
	Merrill, Donald W. 0-315774	CAC	Died P.O.W. Camp Cabanatuan	Cab Cab
	McIntosh, Joe		Died P.O.W. Camp Cabanatuan	Cab Cab
	Montiath, Charles F. 0-350587	CAC	" " " "	" "
	Mark, H. D.	26TH CAV	K.I.A. vicinity Dinalonan (vicinity Bin. Lazon	BAT.
	McClure,	INF	K.I.A. Guital Trail-before Banana Plantation. Close-Mango tree.	
	Meahan, Michael "Micky" Br. in law HERB. HARRIES. MP BATAN		L-Seen Marivelles, time of sur.	
	Moore, Jack T.	INF	No record since O'Don.	
	Navin, J. (NOT 1st Lt.) (6th CAPT) 0-234850	85TH INF	(DISC) K.I.A. between Iligan & 1 km S of Momungan, Mind.	
	(Navin or Navan?)		N-Edge of village.	Mom. Mind.
	Oppenheim, James R.		Died P.O.W. Camp Cabanatuan	Cab Cab
	Peterson,	(DISC) OMC	L-Seen O'Donnell	O'Don
	Pace, Herbert	60TH CAC	K.I.A. Corregidor	Cor. Cor.
	Phillips, Hersel E. 0-890011	CE	" " "	" "
	Pleshko, William		Died P.O.W. Camp Cabanatuan	Cab Cab
	Pruitt, Daniel C. 0-890271		" " " O'Donnell	O'Don