

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.)	

DEFENDANTS' NOTICE OF FACTUAL DEVELOPMENTS

Defendants hereby notify the Court that, in the time since the parties completed briefing of their cross-motions for summary judgment, the Assistant Secretary of Defense for Manpower and Reserve Affairs (Assistant Secretary) approved two disinterment requests relevant to this case. On June 21, 2019, the Assistant Secretary issued a final decision on Plaintiff John Boyt's request to disinter X-3629 Manila No. 2. On June 28, 2019, the Assistant Secretary issued a final decision on the request submitted by Plaintiff Judy Hensley's daughter to disinter unknown remains associated with Cabanatuan Common Grave 407.

The issuance of these final decisions on Plaintiffs' last two pending disinterment requests is relevant to the parties' cross-motions and can be addressed at oral argument on July 22, 2019. Undersigned counsel notified Plaintiffs' counsel on July 11, 2019, that the requests had been approved and produced the administrative records to Plaintiffs' counsel on July 16, 2019. Attached hereto is a supplemental certification of the administrative records for these two decisions, along with the most relevant portions of those records.

Dated: July 17, 2019

Respectfully submitted,

JOSEPH H. HUNT
Assistant Attorney General

ANTHONY J. COPPOLINO
Deputy Director
Civil Division, Federal Programs Branch

/s/ Galen N. Thorp
GALEN N. THORP (VA Bar # 75517)
Senior Counsel
United States Department of Justice
Civil Division, Federal Programs Branch
950 Pennsylvania Avenue NW
Washington, D.C. 20530
Tel: (202) 514-4781 / Fax: (405) 553-8885
galen.thorp@usdoj.gov

Counsel for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on this 17th day of July, 2019, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

John T. Smithee, Jr.
UNDERWOOD LAW FIRM, P.C.
P.O. Box 9158
Amarillo, TX 79105

Ron A. Sprague
Gendry & Sprague PC
900 Isom Road, Suite 300
San Antonio, TX 78216

/s/ Galen N. Thorp
GALEN N. THORP
Senior Counsel