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VETERANS FOR COMMON SENSE, and  
VETERANS UNITED FOR TRUTH, INC.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

VETERANS FOR COMMON SENSE, and  
VETERANS UNITED FOR TRUTH, INC.,

Plaintiffs,

v.

JAMES B. PEAKE, M.D., Secretary of Veterans  
Affairs, *et al.*,

Defendants.

Case No. C-07-3758-SC

**CLASS ACTION**

**REPLY DECLARATION OF  
[REDACTED] IN SUPPORT  
OF PLAINTIFFS’ MOTION FOR  
PRELIMINARY INJUNCTION**

Complaint Filed July 23, 2007

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1 I, [REDACTED] make this declaration in support of Plaintiffs' Motion for Preliminary  
2 Injunction. This declaration is based upon my personal knowledge and my review of VA medical  
3 records. If called to testify, I could and would testify as follows:

4 1. My son, [REDACTED] enlisted in the Army in 2001, and served in Iraq from  
5 [REDACTED]. Beginning in the summer of [REDACTED], [REDACTED] sought counseling from the VA  
6 and private counselors for flashbacks, sleeplessness, and anxiety. Although the VA scheduled for  
7 multiple appointments for him, several were cancelled by the VA. The few that did happen left him  
8 feeling worse than before he went in. In fact, a VA doctor diagnosed [REDACTED] with Drug Induced  
9 Psychosis—after a drug test showed no drugs in his system. After twelve frustrating months, he  
10 stopped going and tried to cope with his symptoms on his own. On [REDACTED] 2007, I found him dead  
11 in his room after he took his own life. He was 24 years old.

#### 12 **Personal Background**

13 2. I was born Los Angeles, and am 55 years old. I currently live in [REDACTED]  
14 [REDACTED], where I am an assistant to one of the city's top realtors. I have no other children.

15 3. I raised [REDACTED] as a single parent. I was able to put him through private school for much  
16 of his education, but was not able to afford private high school. When [REDACTED] entered public high  
17 school, he found that he was far ahead of the class. [REDACTED] graduated high school when he was fifteen.

18 4. [REDACTED] was an extremely talented young man. He scored in the "near-genius" range on  
19 an IQ test. He played multiple instruments, including piano, bass guitar, and saxophone. From age  
20 fifteen to seventeen, he was taking college courses in web design at Rio Hondo Community College.

#### 21 **Military Service**

22 5. [REDACTED] enlisted in the Army in 2001. He planned to work in the military and go to  
23 school. He was stationed at Fort Campbell in Kentucky, and took computer science courses.  
24 However, his Army schedule made it very difficult for him to attend classes.

25 6. In [REDACTED], [REDACTED] was deployed to Iraq with the [REDACTED]. He  
26 served on the front lines. For the first three months he was in Iraq, it was impossible for me to  
27 contact him. When our communication became easier, he rarely spoke about what he was doing. I  
28 am not sure whether he was not allowed to, or whether he just didn't want to. He did mention Mosul

1 several times, and I believe he was there. He also told me that many of his friends did not make it  
2 back. He felt very guilty that he survived and they did not. He returned to Ft. Campbell in

3 [REDACTED]  
4 7. He was awarded the National Defense Service Medal, the Army Service Ribbon, the  
5 Overseas Service Bar, and the Combat Infantryman Badge.

#### 6 **Return to Civilian Life**

7 8. In [REDACTED], [REDACTED] was discharged from the Army. He was 21. He spent some  
8 time in Tennessee, then returned to Los Angeles and tried to move on with his life. He resumed his  
9 studies, taking courses towards a bachelor's degree at DeVry University, focusing on web design. In  
10 late [REDACTED], [REDACTED] started calling me, telling me he thought someone was stalking him, and that he was  
11 losing his mind. He would call me in the night, panic-stricken. In the spring of [REDACTED], he asked if he  
12 could come live with me in [REDACTED]

13 9. In [REDACTED] [REDACTED] moved in with me. He continued his studies at DeVry, taking  
14 courses online until December, 2005. He took more classes online, first full time, then part-time,  
15 through the University of Phoenix, from April, 2006 to April, 2007. In August, 2006, my mother,  
16 who had been living with us, passed away. With less company at home, [REDACTED] decided to get a job as  
17 a web programmer. He worked full time, always arrived on time, and, according to his supervisors,  
18 did very good work. He told me that he was just trying to return to a normal life.

19 10. Unfortunately, it was immediately clear after [REDACTED] moved in that life was not normal  
20 for him. I would frequently hear him still up at 1:00 a.m. in the morning, and he would drink  
21 approximately twelve beers almost every night just to fall asleep. He would never go into the yard,  
22 and always kept the blinds down and the doors locked. I regularly noticed him trembling, something  
23 I had never seen before he served in Iraq. He was jumpy, and sometimes thought people were in his  
24 room when there was no one there. He told me he was sometimes awake for days at a time. When  
25 he did sleep, he would wake from nightmares looking for his rifle.

#### 26 **Treatment**

27 11. As soon as he arrived in [REDACTED], we filled out the paperwork to get treatment at  
28 the VA. We both knew something was wrong, but didn't know exactly what. We started going to

1 the VA in [REDACTED] in [REDACTED] I had to take off work to drive him an hour each way to his  
2 appointments. The person who interviewed [REDACTED] was arrogant, and talked down to us. He then  
3 diagnosed [REDACTED] with a "Drug Induced Psychosis," presumably because [REDACTED] had admitted to some  
4 drug use several months earlier. Although repeated drug tests confirmed that [REDACTED] had no drugs in  
5 his system, VA refused to reconsider their diagnosis, or change his treatment to fit the actual  
6 problems he was experiencing.

7 12. The first few appointments at VA were primarily diagnostic interviews, as opposed to  
8 counseling sessions. Over the course of these initial meetings, [REDACTED] felt continually insulted, and  
9 developed a distrust of psychiatrists. He said he was offended that they would assert that he had a  
10 drug-induced psychosis when he was not on drugs. [REDACTED] admitted that he heard voices, and they  
11 prescribed an anti-hallucinogenic—Risperidone. He took this for a while, but found that it was  
12 ineffective, and the side effects were worse than the initial problem.

13 13. In the summer of [REDACTED] [REDACTED] experienced a violent flashback, and pulled a knife on  
14 me. As a result, he was placed on probation and ordered into counseling. The counseling was  
15 through a private company, and started in [REDACTED] [REDACTED]. The counselor told me that he was  
16 suffering from Post Traumatic Stress Disorder. I am not sure if this therapist gave a formal written  
17 diagnosis, but I know he disagreed with the VA's diagnosis and treatment.

18 14. The private counseling sessions were infrequent—about every two months. [REDACTED] went  
19 six or seven times, and seemed to benefit from the sessions, but then his therapist left that practice.  
20 After that, [REDACTED] tried to schedule further sessions. However, he would arrive, and then be told that  
21 his appointment was not on the books, or that his counselor was not there that day. After a few  
22 cancelled appointments, his probation officer said he could stop attending this counseling.

23 15. The [REDACTED] appointments were very difficult. It was hard for me to take time off to  
24 drive him, and [REDACTED] expressed dissatisfaction to me with the treatment he was getting. He went  
25 several times to the Vet Center in [REDACTED] where he was able to speak with a counselor via  
26 satellite. However, he never formed a bond with this counselor, and he often stated that the treatment  
27 the VA was offering was inadequate, and became distrustful of psychiatrists. Because the VA was  
28 not helping him, he stopped going, and tried to cope on his own.



