

Record Freezes/Litigation Holds
(29 JULY 2014)
(39)

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**Nuclear Test Personnel Review (NTPR)**

**Proponent** - Defense Threat Reduction Agency, ATTN: NSSN/NTPR & ADM,  
7825 John J. Kingman Hwy, Fort Belvoir, VA.

1 **Reference Message** – HQDA, DACS-DMC, 15 May 1978

**Effective date** – 15 May 1978

**Freeze code** – NTP

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Iranian Foreign Military Sales (FMS) Program (IRA)

Original Proponent – Defense Security Assistance Agency;

Current Proponent – U.S.A Security Assistance Command (USASAC) – (Subordinate
Command of AMC)- 5701 21st Street, Ft. Belvoir, VA 22060-5940.

2 **Reference Message** – Defense Security Assistance Agency, DSAA/OPS-C, 24 May 84

Subject: Freeze of Iran FMS Program Records

Effective date – 24 May 1984

Freeze code – IRA

The Iran-U.S. Claims Tribunal at The Hague has jurisdiction over certain claims between the U.S. and Iranian Governments arising from pre 1981 contractual arrangement between them. One of the largest claims against the U.S. Government is case B/1, in which Iran seeks \$10 billion, plus interest since 1981, as repayment for alleged wrongful charges to Iran over the life of its Foreign Military Sales (FMS) program. This records freeze has been in effect since the early 1980s for all records relating to the Iranian FMS program. Such records include all FMS supporting and implementing documents, such as: case management files, procurement records (including contracts), transportation records, financial accounting records, etc. Latest correspondence was a DEPSECDEF memo, SUBJECT: Defense of Iranian Claims at the Iran-U.S. Claims Tribunal, Oct 19, 2009, reiterating the need for the records freeze, in effect since the early 80s).

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**Chemical & Biological Warfare (CBW)**

**Original Proponent** - DACS-DMC

**Current Proponent** – Commander, USA Soldier and Biological Chemical Command,  
ATTN: AMSSB-SCI-H, Bldg E5232, Aberdeen Proving Ground, MD 21010-5424.

3 **Reference Message** – DRCLDC, HQ DARCOM, 14 Feb 1987

**Subject:** Destruction of Documents Concerning CW Testing Program.

**Effective date** – 15 May 1978

**Freeze code** – CBW

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Pakistan Foreign Military Sales (FMS) Program (PAK)

Original Proponent – Defense Security Assistance Agency

Current Proponent – U.S.A Security Assistance Command (USASAC)- (Subordinate
Command of AMC) – 5701 21st Street, Fort Belvoir, VA 22060- 5940

4 **Reference Message** – Office of the General Counsel, Department of Defense, 23 Sep
1994

Subject: Preservation of Records Relating to Pakistan Foreign Military Sales (FMS)
Program.

Effective date – 23 Sep 1994

Freeze code – PAK

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U.S. vs. Phillip Morris, Inc. No 99-2496 (GK), U.S. District Court (D.D.C.)

Army Proponent – U.S. Army Legal Services Agency, DAJA-LT, 901 N. Stuart St.,
Arlington, VA 22203-1837

5 **Reference Message** – Letter, Office of the General Counsel, Department of Defense,
10 Feb 2000

Subject: U.S. vs. Phillip Morris, Inc.; Civil Number 1:99CV02496 DDC 1999

Effective date – 10 Feb 2000

Freeze code –TIL

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**Enron Corporation**

**Proponent** – General Counsel of the Department of Defense, 1600 Defense Pentagon,  
Washington, D.C. 20301-1600 & U.S. Department of Justice, Office of the Deputy  
Attorney General

6 **Reference Message** – Letter from the U.S. Department of Justice, Office of the Deputy  
Attorney General, 01 Feb 2002 & Memorandum from General Counsel of the  
Department of Defense, 05 Feb 2002

**Subject:** Preservation of Documents and Material Relating to Enron Corporation

**Effective date -11 Feb 2002**

**Freeze Code: ENRON**

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Guantanamo Bay Detainee Records Preservation Order Proponent- General
Counsel of the Department of Defense, 1600 Defense Pentagon, Washington, D.C.
20301-1600

7 **Reference Message-** Order from Judge Gladys Kessler (U.S. District Court for the
District of Columbia, 07 Mar 05

Subject: Preservation of Records

Effective Date- 10 Mar 05

Freeze Code: GBD

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**Hurricane Katrina Relief Records Preservation Order**

**Proponent** – Office of the Secretary of Defense, the White House, Washington D.C.

8 **Reference Message-** Memorandum from Francis Fragos Townsend, Assistance for  
Homeland Security and Counterterrorism

**Subject:** Comprehensive Review of Federal Government Response to Hurricane  
Katrina; Retention of Records

**Effective Date- 23 Sep 05**

**Freeze Code: HKR**

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**United States Department of Justice vs. Sun Microsystems, Inc., Hewlett-Packard
Company and Accenture, LLP**

Proponent- U. S. Department of Justice, Civil Div, P.O. Box 261, Washington, D.C.
20044

9 **Reference Message-** Letter from U.S. Department of Justice, Civil Div, P.O. Box 261,
Washington, D.C. 20044

Subject: U.S. ex rel. Rille, et al. v. Sun Microsystems, Inc., Hewlett-Packard Company,
and Accenture, LLP

Effective Date- 19 Dec 2007

Freeze Code: USDOJ

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**Lockheed Martin Corporation v. United States America**

**Proponent-** U.S Army Legal Services Agency, JALS-EL, 901 N. Stuart St., Arlington, VA 22203-1837

**10 Reference Message-** Memorandum from U.S. Army Legal Services Agency, JALS-EL, 901 N. Stuart St., Arlington, VA. 22203-1837

**Subject-** Preservation of Records for the case of Lockheed Martin Corporation v. United States America, Civil Action No. 1:08-cv-01160 (JR)

**Effective date: 29 July 2009**

**Freeze Code: LMCO**  
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City of Colton v. American Promotional Event, Inc/Rialto v. United States

Proponent- U.S. Army Legal Services Agency, JALS-EL, 901 N. Stuart St., Arlington, VA 22203-1837

11 Reference Message- Memorandum from U.S. Army Legal Services Agency, JALS-EL, 901 N. Stuart St., Arlington, VA. 22203-1837

Subject: Preservation of Records for the case of City of Colton v. American Promotional Events, Inc., Case No. ED CV 09-01864 PSG (SSx), Consolidated with Case Nos. CV 09-6630 PSG (SSx), CV 09-06632 PSG (SSx), CV 09-07501 PSG (SSx) and CV 09-07508 PSG (SSx), CV 04-79 PSG (SSx)

Effective date: 18 May 2010

Freeze Code: COCAPE
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**Tronox, Inc. v. Anadarko Petroleum Corp., Adv. Pro. No. 09-1198-alg**

**Proponent-** U.S. Army Legal Services Agency, JALS-EL, 901 N. Stuart St., Arlington, VA. 22203-1837

**12 Reference Message-** Memorandum from U.S. Army Legal Services Agency, JALS-EL, 901 N. Stuart St., Arlington, VA. 22203-1837

**Subject:** Preservation of Records for the case of Tronox, Inc. v. Anadarko Petroleum Corp., Adv. Pro. No. 09-1198-alg

**Effective date: 16 June 2010**

**Freeze Code: TROINC**  
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United States v. Kellogg, Brown & Root Services, Inc.

Proponent- U.S. Army Legal Services Agency, 901 N. Stuart St., Arlington, VA. 22203-1837

13 Reference:

SUBJECT: Preservation of Documents or Information Related to United States v. Kellogg, Brown & Root Services, Inc., Civ.A.No.1:1 0-cv-00530 (D.D.C.), Updated Request for Preservation of Documents - Litigation Hold Order

Effective date: 13 Feb 2009

Freeze code: KBR
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**Fehrenbach v. Department of the Air Force**

**Proponent:** - Office of the Secretary of Defense (OSD), 1950 Defense Pentagon, Washington, DC. 20301-1950

**14 Reference Message:** Memorandum from OSD, 1950 Defense Pentagon, Washington, DC 20301-1950

**Subject:** Litigation Hold for OSD Records Managers

**Effective date:** 5 October 2010

**Freeze code:** FHB

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Deepwater Horizon

Proponent- Office of the General Counsel, 104 Army Pentagon, Washington, DC
20310- 0104

15 **Reference Message-** Memorandum from Office of the General Counsel, SAGC-IECW

Subject: Deepwater Horizon Litigation Hold

Effective date: **Freeze Code:** DWH

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**Kilgore Flares Company LLC and ESM Group**

**Proponent-** U.S. Department of Justice, Civil Division, Commercial Litigation Branch

**Reference Message-** Memorandum from U.S. Department of Justice

16 **Subject:** Investigation of Kilgore Flares Company LLC and ESM Group Concerning  
Contracts for Infrared Countermeasure Flares

**Effective date:** 5 May 2011

**Freeze Code:** KFESM

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**Lockheed Martin Corporation v. United States America, et no 06-01438-RJL.
(D.D.C.)**

Proponent- United States Army Legal Services Agency, 901 North Stuart Street
Arlington, VA 22203-1837

Reference Message- Letter from United States Army Legal Services Agency, 901
North Stuart Street, Arlington, VA 22203-1837, August 17, 2010

17 **Subject:** Lockheed Martin Corporation ("Lockheed Martin") and Unisys Corporation
("Unisys") (Lockheed Martin and Unisys will hereafter be referred to as "Plaintiffs")
hereby complain against the United States of America ("the United States" or "the
Government") to recover response costs pursuant to Section 107 of the Comprehensive
Environmental Response, Compensation, and Liability Act of 1980 ("CERCLA"), as
amended, 42 U.S.c. § 9607.

Effective date: August 17, 2010

Freeze Code: LMCO/US

Record Groups that might also contain relevant documents:

1. RG 77 Office of the Quartermaster General
 2. RG92 Office of the Chief of Engineers
 3. RG 159 Office of the Inspector General (Army)
 4. RG 175 Chemical Warfare Service
 5. RG 179 War Production Board
 6. RG 190 Bureau of War Risk Litigation
 7. RG 203 Office of the Chief of Finance (Anny)
 8. RG 225 Joint Army and Navy Boards and Committees
 9. RG 246 Office of Contract Settlement
 10. RG 270 War Assets Administration
 11. RG 338 Army Operational, Tactical, and Support Organizations (WWII and thereafter)
 12. RG 372 Defense Contract Audit Agency
 13. RG 544 U.S. Army Materiel Command
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**Chubb Custom Insurance Company**

**Proponent-** U.S. Army Legal Services Agency (USALSA) (JALS-EL), 901 N. Stuart St, Arlington, VA 22203-1837

18 **Reference Message-** Memorandum from USALSA

**Subject:** Preservation of Records for the Case of Chubb Custom Ins Co v U.S. Case # CV-11-5594GW (MRWx)

**Effective date:** 21 Sep 11

**Freeze Code: CHUBB (CCI)**  
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U.S. Army Medical Research Institute of Infectious Diseases

Proponent- U.S. Army Medical, Research and Materiel Command and Fort Detrick

Reference Message- Memorandums forwarded from USALSA

19 **Subject:** Protection of Information Due to On-Going Criminal Investigations and Civil Litigation Relating to the Bacillus Anthracis Attacks in 2001

Effective date: 1 Oct 2003

Freeze Code: ANTHRAX
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**VIET NAM Related Records**

**Proponent-**

20 **Reference Message- Subject:**

**Effective date: Freeze Code: NAM**  
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Frontier Chemical Royal Avenue Site

Proponent – U.S. Army Environmental Law Division, 9275 Gunston Rd, Fort Belvoir, VA 22060-5546

Reference Message- Memorandum from USALSA

Effective date – 17 May 2012

Freeze Code – FCS

21 **Distribution:**

This Record Freeze applies to those Army commands, installations and offices that are likely to have potentially responsive information regarding the Frontier Chemical Royal Avenue Site, Niagara Falls, New York (the "Site"). I have listed below those Army installations that are likely to have potentially responsive information.

Fort AP Hill (Army and DLA DS) Fort Bliss (Army and DLA DS) Fort Bragg (DLA DS)

Fort Belvoir (DLA DS) Fort Dix Army, Fort Drum (Army and DLA DS), Fort Devens (DLA DS), Fort Eustis (DLA DS), Iowa Army Ammunition Plant (DLA DS).

Letterkenny Army Depot (DLA DS) Rock Island Arsenal (DLA DS) Seneca Army Depot (Army), Tobyhanna Army Depot (Army and DLA DS) Watervliet Arsenal (Army and DLA DS), West Point Military Academy (Army), Army National Guard Facilities Niagara Falls (Army) Lockport Armory (Army) NYS Armory Batavia (Army) AASF #4 Rochester (Army), Vermont Army Guard Camp Johnson Vermont (Army) Camp Edwards (DLA DS) Army at Westfield Massachusetts (DLA DS), Pittsfield National Guard Armory (DLA DS) AASF #2 MAARNG Building, 7400 Westover AFB Massachusetts (DLA DS) Phelps Collins ANG Alpena Michigan (DLA DS), Selfridge ANG Michigan (DLA DS) USPFO Lansing Michigan (DLA DS), Camp Grayling ANG Michigan (DLA DS), US Army Reserve Center Grenier Field (DLA DS)
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**Ford Motor Co. v. United States, Case No 04-72018 (E.D. Mich.) and Ford Motor Co. v. Michigan Consolidated Gas Company, Case No. 2:08cv13503**

**Proponent** – U.S. Army Environmental Law Division, 9275 Gunston Rd, Fort Belvoir, VA 22060-5546

22 **Reference Message-** Memorandum from USALSA

**Effective date** – 24 January 2012

**Freeze Code – FOR**

Request the Records Administrators of the U.S. Army Materiel Command and the U.S. Army Installation Management Command forward and request the U.S. Army TACOM Lifecycle Management Command, Ft Knox Contracting Command, Mission and Installation Contracting Command, Ft Eustis Contracting Command, Joint Munitions Command and the Army Environmental Command PRESERVE and PRODUCE documents related to the Ford Motor Company and Michigan Consolidated Gas Company (MichCon) litigation.

The Army is a party in litigation related to liability for the release of volatile organic compounds, semi-volatile organic compounds and polychlorinated biphenyls at the Schaefer Road Area Facility in Dearborn, Michigan. MichCon alleges that historic contamination from the Ford Motor Company's Rouge river facility in Dearborn, MI migrated into the Schaefer Road Area. Therefore, the Army must now issue a LITIGATION HOLD and DOCUMENT PRODUCTION in order to capture those records regarding the Ford Rouge River facility.

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PPG Industries, Inc v. United States, Case No. CV-03526-WJM-MF

Proponent – U.S. Army Environmental Law Division, 9275 Gunston Rd., Ft. Belvoir, VA 22060-5546

23 Reference Message – Memorandum from USALSA

Effective date – 18 July 2012

Freeze Code - PPG

The Department of Justice has requested the Army to take the steps necessary to preserve documents relevant to this case. PPG Industries, Inc. ("PPG") seeks to recover response costs incurred for remediation of the Garfield Site, located at 880-900 Garfield Avenue, Jersey City, New Jersey (also referred to as the "Hudson County Chromate Site 114" or the "Garfield Avenue Site" (the "Site")). The Site was formerly owned and operated by Natural Products Refinery Corporation ("NPR"). Allegedly, from 1915 through the end of World War I ("WWI") and leading up to, during, and after World War II ("WWII") the Army and other services contracted with NPR to produce chromium chemicals. The alleged timeframe at issue is between 1915 and 1954. NPR received raw Chromite Ore that was then milled into useable chromium chemicals. The Site is alleged to be the source of chromium contamination in the groundwater.

Distribution: AMC, National Archives and Records Administration, National Personnel Records Center, Office of the General Counsel, Defense Contracting Management Command

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**LWD, Inc. Superfund Site**

**Proponent** – U.S. Army Environmental Law Division, 9275 Gunston Rd, Fort Belvoir, VA 22060-5546

**24 Reference Message – Memorandum, USALSA, subject: Preservation of Records for the LWD, Inc. Superfund Site, 13 August 2012**

**Effective date** – 13 August 2012

**Record Freeze Code –LWD**

The Site is located at 2475 Industrial Boulevard in Calvert, City, Marshall County, Kentucky. The EPA Site ID Number for this Site is KYD088438817. From the 1950's until 2004, the Site served as a landfill and hazardous waste incinerator facility. From 1980 through January 2003, the Site was operated by LWD, Inc. and other LWD related entities. After January 2003, multiple parties operated the Site including, but not limited to, General Environmental Services, LLC, K & B Capital, LLC, Bluegrass Incineration Service, Robert Kattula and Glen O'Connell. The Site closed in November 2004. The current owner of the Site is Bluegrass Incineration Services, LLC.

In February 2007, a group of potentially responsible parties ("PRPs", known as the "LWD PRP Group") signed an Administrative Order on Consent to conduct additional time-critical removal actions. To date, approximately 1.6 million tons of waste has been removed from the Site and over 1.3 million gallons of waste water has been treated onsite. In 2008, EPA issued a notice letter to the Army alleging that it is a PRP at the Site. A Department of Justice ("DoJ") counsel has been assigned to represent Army in this matter.

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**Gila River Water Rights Adjudication**

**Proponent** – U.S. Army Environmental Law Division, 9275 Gunston Rd, Fort Belvoir, VA 22060-5546

**Reference Message** – Memorandum, USALSA, subject: Continuing Litigation Hold – Gila River Water Rights Adjudication, Fort Huachuca Contested Case No. W1-11-605, 16 Aug 12

**Effective date** – 16 August 2012

**Record Freeze Code** –GILA

**25** A comprehensive Arizona water rights adjudication of the Gila River system has been ongoing in the Superior Court of the State of Arizona, Maricopa County, since November 1981. The Army asserts a water rights claim in this adjudication. The Army first asserted a water rights claim for the operation of the Fort Huachuca military reservation on 4 January 1982, and then amended the claim on 5 August 1991. On 7 September 2011, the Court approved a Special Master's Report, finding among other things that the Army should have implied federal reserved water rights for the purpose of the Fort Huachuca military reservation, which had been established by President Chester Arthur's Executive Orders of 29 October 1881 and 14 May 1883. The matter has now been returned to the Special Master for the Second Phase of the case, the "quantification phase". On 19 December 2011, the Special Master issued an order setting out the issues for the quantification phase. They are as follows: (1) the scope of water uses encompassed in the term "military purposes"; (2) the quantity of water reserved to fulfill the military purposes; and, (3) whether sources of water other than groundwater are adequate to accomplish the military purposes, and if not, how much groundwater is required.

**Distribution:** This Litigation Hold is distributed to all organizations and personnel who may be involved in, or have information pertaining to this potential litigation. Based on current information, the following Army commands and activities may be in possession of potentially responsive documents and information: Fort Huachuca; U.S. Army Installation Management Command; Office of the Assistant Chief of Staff for Installation Management; HQDA DCS G-3/5/7; and, the U.S. Army Corps of Engineers.

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Uusi LLC and Oldnar Corp v the US (United States Court of Federal Claims); Case 12-216C.

Proponent – U.S. Army Legal Services Agency (Patent and Copyright), 9275 Gunston Rd, Fort Belvoir, VA 22060-5546

26 **Reference Message** – Memorandum, USALSA, subject: Litigation Hold Request in the Matter of Uusi LLC and Oldnar Corp v the US (United States Court of Federal Claims); Case 12-216C, 17 September 2012

Effective date – 17 September 2012

Record Freeze Code –UUSI

This litigation hold is a patent infringement law suit involving several patents issued to Nartron Corporation and owned now by Uusi LLC. The patents at issue are: US 5,287,831; US 5,327,870; US 5,729,456; US 6,009,369 and US 6,148,258. The patents generally cover vehicle starting systems or components thereof which are used for diesel engines. The complaint of the lawsuit alleges that the Electrical Engine Start System (EESS) and the Safe Start System (SSS) or components of these systems were purchased by the Army and used in High Mobility Multipurpose Wheeled Vehicles (HMMWVs). The complaint alleges that the EESS and SSS or components thereof infringe upon one or more of the patents in suit.

This freeze was sent by USALSA - Patent Division to: U.S. Army Materiel Command (AMC) Legal Office via AMC Chief IP Counsel and the U.S. Army Tank and Automotive Command (TACOM) Legal Office. RMDA forwarded this lit hold to the Records Administrator for dissemination on 2 Nov 12.

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Herbicide/Agent Orange Testing at Fort Detrick

Proponent - U.S. Army Litigation Division, 9275 Gunston Rd, Fort Belvoir, VA 22060-5546

Reference Message – Memorandum, USALSA, subject: Preservation of Records for Herbicide Testing at Fort Detrick, 20 November 2012

Effective date – 17 September 2012

Record Freeze Code –KRF

27 This litigation hold applies to those Army commands, installations and offices that are likely to have potentially responsive information regard the Agent Orange testing on Fort Detrick, MD. Below are Army installations that are likely to have potentially responsive information:

Fort Detrick, IMCOM, USAEC, AMC, Joint Program Executive Office for Chemical and Biological Defense, US Army Chemical, Biological, Radiological and Nuclear (CBRN) School, Duway Proving Ground, USACE (Baltimore and St Lous District).

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**Chartis Specialty Insurance Company v. United States, Case No. CV-12-10579 R (JCx)**

**Proponent** - U.S. Army Environmental Law Division, 9275 Gunston Rd, Fort Belvoir, VA 22060-5546

**Reference Message** – Memorandum, USALSA, subject: Preservation of Records for the case of Chartis Specialty Insurance Company v. United States, Case No. CV-12-10579 R (JCx), 17 January 2013

**Effective date** – 17 January 2013

**Record Freeze Code** –CSI

**28** Chartis Specialty Insurance Company (“Chartis”) seeks to recover response costs incurred remediating contamination attributed to the Horex facility, located at 2751 San Juan Road, Hollister, California, and the neighboring Mc-Cormick-Selph facility, located at 3601 Union Road, Hollister, California (collectively, the “Site”). The Site was formerly owned and operated by Horex Company, Inc. (“Horex”), a military contractor, from 1957 to 1980, and Whittaker Corporation (“Whittaker”) purchased the Site and ordnance manufacturing business in 1980 and owned the Site until 1994. From 1957 to 1994 the Army and other services contracted with Horex and Whittaker for the production of various munitions at the Site. Within this period, from 1980 to 1987, Whittaker may have transferred contracts from its Bermite facility in Santa Clarita, California, to the Site. From 1994 until the present, Quantic Industries, which later merged with, or otherwise became known as, McCormick-Selph Corporation, Pacific Scientific Energetic Materials Company, and/or Danaher Company (collectively, the “Pacific Scientific companies”) may have produced items at the Site for the Army. DoD is allegedly liable for costs incurred remediating perchlorate, hexavalent chromium and trichloroethylene (TCE) at the Site as a result of its contractual relationship to the Site.

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Decision Dynamics, Inc. v. the United States (United States Court of Federal Claims); Case 12-867 C

Proponent - U.S. Army Legal Services Agency, JALS-RL/IP, 9275 Gunston Road, Ft. Belvoir, VA 22060

Reference Message – Memorandum, USALSA, subject: Litigation Hold Request Decision Dynamics, Inc. v. the United States (United States Court of Federal Claims); Case 12-867 C

29 **Effective date** – 9 May 2013

Record Freeze Code –DDI

Litigation Hold request related to a patent infringement suit by a company called Decision Dynamics against the US Government, and related to military treatment facilities.

The Complaint alleges that the U.S. Government infringes U.S. Patent Number US7,1 17, 161, issued to Elisa M. Bruce, and allegedly owned by Decision Dynamics. The patent relates to "a

method and system for analyzing a process in terms of the elements that are the drivers of the process".
Freeze was sent to: U.S. Army Medical Command (MEDCOM) Legal Office, U.S. Army Medical Research and Materiel Command (MRMC) Legal Office and U.S. Army Records Management Division (RMDA) (Ms. Eve Roberts)

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**Indian Related Accountable Officers Files**

**Proponent-**  
**30 Reference Message- Subject:**  
**Effective date:**  
**Freeze Code: IND**

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Whittaker Corporation ("Whittaker") v. United States, United States District Court for the Central District of California, Civ. Case No. 13-01741 FMO (JCX) and Chubb Custom Insurance Company ("Chubb") v. United States, Case No. CV-11-5594 OW (MRWX)

Proponent - U.S. Army Legal Services Agency, JALS-EL, 9275 Gunston Road, Ft. Belvoir, VA 22060
31 Reference Message – Memorandum, USALSA, subject: Preservation of Records for the cases of Whittaker Corporation ("Whittaker") v. United States, United States District Court for the Central District of California, Civ. Case No. 13-01741 FMO (JCX) and Chubb Custom Insurance 35Company ("Chubb") v. United States, Case No. CV-11-5594 OW (MRWX)
Effective date – 8 May 2013
Record Freeze Code –WTK

Whittaker Corporation's insurer, Chubb, sued the United States, as Whittaker's subrogee, on 7 July 2011. In *Chubb v. United States*, the Army issued a litigation hold on 22 September 2011. To meet the litigation hold requirements for the Whittaker case, you must simply maintain the moratorium on records destruction for all records related to the case of *Chubb v. United States*. Please refer to the litigation hold guidance of the Chubb case at enclosure 2. If you have received any new documents since your last search, please review those documents for relevant material. Both cases concern alleged hazardous waste contamination at the Whittaker-Hermite Site in Santa Clarita, California.
Armywide freeze.

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**U.S. v. Boston & Maine Railroad**

**Proponent** - U.S. Army Legal Services Agency, JALS-EL, 9275 Gunston Road, Ft. Belvoir, VA 22060  
**32 Reference Message** – Memorandum, USALSA, subject: Preservation of Records in the Case of U.S. v. Boston & Maine Railroad  
**Effective date** – 5 June 2013  
**Record Freeze Code** –RRD

This freeze imposes an immediate moratorium on the destruction of all records related to the case of U.S. v. Boston & Maine Railroad. Commands that are likely to have generated relevant documents, but not limited to: Ft Devens, US Army Reserve Command, Army Environmental Command, Base Alignment and Closure Office, Defense Logistics Agency and ACSIM. This case alleges a release of hazardous substances occurred from the Railroad's operations between 1900 and 1940 on property now included within Fort Devens.

**AAR Manufacturing, Inc. and Weatherhaven Resources, LTD. v. the U.S**

**Proponent** - U.S. Army Legal Services Agency, JALS-RL/IP, 9275 Gunston Road, Ft. Belvoir, VA 22060

**33 Reference Message** – Memorandum, USALSA, subject: Litigation Hold Request AAR Manufacturing, Inc. and Weatherhaven Resources, Ltd. v. the United States (United States Court of Federal Claims); Case 13-575 C.

**Effective date** – 1 November 2013

**Record Freeze Code** – AAR

The Complaint alleges that the U.S. Government infringes U.S. Patent Number US 5,761,854 (the '854 patent), issued to Brian D. Johnson and Glen V. Thorne, allegedly owned by Weatherhaven Resources, Ltd. and allegedly licensed exclusively to AAR Manufacturing, Inc. The patent relates to a "Collapsible Portable Containerized Shelter". This freeze is addressed to AMC and Natick Soldier Systems Center only.

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Preservation of Records in the Case of Information Related to Mary Jennings Hegar, et al. v. Leon Panetta, No. 3: 12-cv-6005 (N.D. Cal.)

Proponent - U.S. Army Legal Services Agency, JALS-LT, 9275 Gunston Road, Ft. Belvoir, VA 22060

34 Reference Message – Memorandum, USALSA, subject: Preservation of Records Related to VFA, Inc. v. United States, No. 1:14-cv-173

Effective date – 20 March 2014

Record Freeze Code –MJH

This lawsuit challenges the constitutionality of the prior military policy that excluded women from assignment to certain ground combat units and positions. On 24 January 2013, the Secretary of Defense and Chairman of the Joint Chiefs of Staff directed the policy be rescinded. The Plaintiff's current complaint challenges the military's implementation of the Secretary and Chairman's rescission.

This moratorium includes all relevant records, documents and information, regardless of medium, which may include but is not limited to paper copies, electronically stored information found on computer systems, and removable or portable electronic storage media. Additional information regarding types of records to be preserved in this preservation order can be found in paragraph 5 of the U.S. Army Legal Services Agency's memorandum (Encl). All records responsive to this moratorium will be held at their current location until you are notified to resume a regular disposition schedule or are notified to produce such records.

Armywide.

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**VFA, Inc. v. United States, No. 1:14-cv-173**

**Proponent** – DOD General Counsel, 1600 Defense Pentagon, Washington, DC 20301

**35 Reference Message** – Memorandum, DOD General Counsel, subject: Litigation Hold Order for Information Related to Mary Jennings Hegar, et al. v. Leon Panetta, No. 3: 12-cv-6005 (N.D. Cal.)

**Effective date** – 26 February 2014

**Record Freeze Code** –VFA

This memorandum imposes an immediate moratorium on the destruction of all records related to the case of VFA, Inc. v. United States. Freeze Code VFA. The referenced suit is postured as a bid protest. VFA claims that in establishing the standardization policy, DoD violated procurement laws because it failed to conduct full and open competition for the acquisition of facility assessment solutions.

Request notification of any responsive records be submitted to Kwenji Jackson, [703-571-0794/kwenji.s.jackson2.civ@mail.mil](mailto:703-571-0794/kwenji.s.jackson2.civ@mail.mil) (DOD General Counsel) and Eve Roberts, [703-428-6435/eve.g.roberts.civ@mail.mil](mailto:703-428-6435/eve.g.roberts.civ@mail.mil) (Records Management and Declassification Agency).

Armywide.

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Command and Control Facility (64k Building) at Camp Leatherneck, Afghanistan

Proponent – Office of the General Counsel, 104 Army Pentagon, Washington, DC 20310-0104

36 Reference Message – Memorandum, Office of the General Counsel, subject: Requirement to Identify, Retain, Catalogue and Preserve Records Related to the Command and Control Facility (64k Building) at Camp Leatherneck, Afghanistan

Effective date – 10 April 2014

Record Freeze Code –L NK

Records or information that may be related to a pending review by the Special Inspector General for Afghanistan Reconstruction. This freeze imposes an immediate moratorium on the destruction of any record related to that review, specifically: (a) any record related to the planning and construction of the 64k building at Camp Leatherneck, Afghanistan; and (b) any record concerning either of two Army Regulation 15-6 investigations regarding the 64k building. Freeze Code is LNK.

DISTRIBUTION:

Assistant Secretary of the Army (Civil Works)
Assistant Secretary of the Army (Installations, Energy and Environment)
Assistant Secretary of the Army (Financial Management and Comptroller)
Office of the Army General Counsel
Administrative Assistant to the Secretary of the Army
Assistant Chief of Staff for Installation Management
Office of the Judge Advocate General
Commander, U.S. Army Forces Command
Commander, U.S. Army Central Command
Commander, U.S. Army Corps of Engineers
Commander, Installation Management Command

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**United States v. L-3 Communications Corporation, Communication Systems West-Utah**

**Proponent** – United States Legal Services Agency (JALS-KFLD-PF)

**Reference Message** – Memorandum, United States Legal Services Agency (JALS-KFLD-PF), subject: United States v. L-3 Communications Corporation, Communication Systems West-Utah (Dist. Of Utah) (Request for Preservation of Documents – Litigation Hold Order)

**Effective date** – 28 April 2014

**37 Record Freeze Code** –LLL

The Department of Justice anticipates filing a lawsuit in May 2014, against L-3 Communications Corporation Communication Systems West-Utah (“L-3”) in the United States District Court for the District of Utah under the False Claims Act, 31 U.S.C. §§ 3729, *et seq.* The lawsuit is based upon the Government’s assertion that L-3 knowingly submitted false claims associated with contract estimating system failures involving proratables, offloading, and brown bordering, in violation the FCA. With regard to proratables, L3 double proposed solvents, adhesives, lubricants, gasketing materials, and insulation as direct costs and overhead costs and subsequently presented or caused to be presented inflated claims for payment by the United States. Concerning offloading, L3 did not provide any cost or pricing data from its offloading department’s activities, which exported direct manufacturing labor to its vendors, but rather knowingly disclosed fictitious in-house data and subsequently presented or caused to be presented inflated claims for payment. Lastly, with regard to L3’s brown border builds of equipment, no direct manufacturing labor cost was disclosed by L3 from this program in connection with proposals for a ROVER 5 delivery order; instead, L3 disclosed higher manufacturing labor costs from Low Initial Rate of Production (LRIP) builds and builds of other products.

**DISTRIBUTION:** AMC

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Larry Holmberg v. United States (United States Court of Federal Claims); Case 14-284C

Proponent – United States Legal Services Agency (JALS-RL/IP)

Reference Message – Memorandum, United States Legal Services Agency (JALS-RL/IP), subject: Litigation Hold Request Larry Holmberg v. United States (United States Court of Federal Claims); Case 14-284C

Effective date – 14 May 2014

38 Record Freeze Code –HOL

This litigation hold is issued as a result of a complaint, alleging the U.S. Government infringes US Patent Numbers US6,988,331 (the '331 patent) and US 7,100,321 (the '321 patent). The patents relate to a Range Finder.

The U.S. Army Materiel Command and the U.S. Army Communications-Electronics Command have been identified as organizations likely to possess, or otherwise have access to, electronically stored information, paper, or other records containing information that may be related to the above referenced litigation.

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**U.S. ex rel. Dani Shemesh v. CA, Inc., No. 09-CV-01600-ESH (D.D.C.)**

**Proponent** – United States Legal Services Agency (JALS-KFLD-PF)

**Reference Message** – Memorandum, United States Legal Services Agency (JALS-KFLD-PF), subject: Preservation of Records for U.S. ex rel. Dani Shemesh v. CA, Inc., No. 09-CV-01600-ESH (D.D.C.)

**Effective date** – 18 July 2014

**39 Record Freeze Code** –DSH

This moratorium on records destruction is issued for all records related to purchases of Term Software Licenses, Perpetual Software Licenses, and Maintenance of Software from CA, Inc., CA Technologies, and/or Computer Associates, Inc. (collectively, "CA, Inc.") between 2002 through present under the General Services Administration's (GSA) Multiple Award Schedule (MAS) Contract GS-35F-0823M. The Relator in U.S. ex rel. Dani Shemesh v. CA, Inc. alleges that CA, Inc. made false statements and/or material omissions in negotiations with GSA, and thereafter fraudulently induced GSA to extend the MAS Contract by failing to provide current, accurate, and complete pricing information to GSA.

USALSA listed: Army Contracting Command (ACC), Army Contracting Agency (ACA) Devens Satellite, ACA Minneapolis, ACC Aberdeen Proving Grounds – All, ACC Picatinny Arsenal ACC Redstone Arsenal, Communications-Electronics Command (CECOM) Fort Monmouth Red River Army Depot, U.S. Army Tank-Automotive Command, Army Materiel Command, Ammunition Demand Automated Process Support Office (Joint Munitions Command), Program Executive Office-Enterprise Information Systems (PEO-EIS), U.S. Army Joint Munitions Command, Mission and Installation Contracting Command, Carlisle Barracks, Fort Buchanan, Fort Belvoir, Fort Benning, Fort Bliss, Fort Bragg, Fort Dix, Fort Eustis, Fort Hood, Fort Jackson, Fort Knox, Fort Leavenworth, Fort Lee, Fort Leonard Wood, Fort Riley, Fort Sam Houston, West Point, National Guard Bureau, U.S. Army National Guard Readiness Center, US P&FO Montana Army National Guard, US P&FO Ohio Army National Guard, U.S. Army Corps of Engineers, Rock Island, St. Louis, Freeze was sent armywide.

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