

05-1953-CV

United States Court of Appeals

FOR THE SECOND CIRCUIT



VIETNAM ASSOCIATION FOR VICTIMS OF AGENT ORANGE, PHAN THI PHI PHI, NGUYEN VAN QUY, Individually and as parent and natural guardian of NGUYEN QUANG TRUNG, THUY NGUYEN THI NGA, his children, DUONG QUYNH HOA, Individually and as Administratrix of the Estate of her deceased child, HUYNH TRUNG SON, On behalf of themselves and others similarly situated, NGUYEN THANG LOI, TONG THI TU, NGUYEN LONG VAN, NGUYEN THI THOI, NGUYEN MINH CHAU, NGUYEN THI NHAM, LE THI VINH, NGUYEN THI HOA, Individually and as parent and natural guardian of VO THANH TUAN ANH, her child, VO THANH HAI, NGUYEN THI THU, Individually and as parent and natural guardian of NGUYEN SON LINH and NGUYEN SON TRA, her children, DANG THI HONG

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ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

BRIEF FOR PLAINTIFFS-APPELLANTS

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NHUT, NGUYEN DINH THANH, NGUYEN MUOI, HO THI LE, Individually and as Administratrix of the Estate of her deceased husband HO XUAN BAT, HO KAN HAI, Individually and as parent and natural guardian of NGUYEN VAN HOANG, her child and VU THI LOAN,

Plaintiffs-Appellants,

—against—

DOW CHEMICAL COMPANY, MONSANTO COMPANY, MONSANTO CHEMICAL Co., HERCULES INC., OCCIDENTAL CHEMICAL CORPORATION, THOMPSON HAYWARD CHEMICAL Co., HARCROS CHEMICALS, INC, UNIROYAL CHEMICAL Co INC, UNIROYAL, INC., UNIROYAL CHEMICAL HOLDING COMPANY, UNIROYAL CHEMICAL AQUISITION CORPORATION, C.D.U. HOLDING INC., DIAMOND SHAMROCK AGRICULTURAL CHEMICALS, INC., DIAMOND SHAMROCK CHEMICAL COMPANY, also known as Diamond Shamrock Refining & Marketing Co., also known as Occidental Electro Chemcial Corp., also known as Maxus Energy Corp, also known as Occidental Chemical Corp., also known as Diamond Shamro, DIAMOND SHAMROCK CHEMICAL, also known as Diamond Shamrock Refining & Marketing Co., also known as Occidental Electro Chemical Corp., also known as Maxus Energy Corp., also known as Occidental Chemical Corp., also known as Diamond Shamro, DIAMOND SHAMROCK REFINING AND MARKETING COMPANY, OCCIDENTAL ELECTROCHEMICALS CORPORATION, HOOKER CHEMICAL CORPORATION, HOOKER CHEMICAL FAR EAST CORPORATION, HOOKER CHEMICALS & PLASTICS CORP., CHEMICAL LAND HOLDINGS, INC., T-H AGRICULTURE & NUTRITION Co., THOMPSON CHEMICAL CORPORATION, also known as Thompson Chemical Corp, RIVERDALE CHEMICAL COMPANY, PHARMACIA CORP., formerly known as Monsanto Co., ULTRAMAR DIAMOND SHAMROCK CORPORATION, MAXUS ENERGY CORP., DIAMOND ALKALI COMPANY, ANSUL INCORPORATED, HOFFMAN-TAFF CHEMICALS, INC., ELEMENTIS CHEMICALS, INC., UNITED STATES RUBBER COMPANY, INC., SYNTEX AGRIBUSINESS, INC., ABC CHEMICAL COMPANIES 1-50, SYNTEX LABORATORIES, INC, VALERO ENERGY CORPORATION, doing business as Valero Marketing and Supply Company,

Defendants-Appellees,

AMERICAN HOME PRODUCTS CORPORATION,
formerly known as American Home Products, WYETH, INC.,

Defendants.

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