

OCT 19 2023

PETER A. MOORE, JR., CLERK  
US DISTRICT COURT, EDNC

IN THE

**United States District Court for the  
Eastern District of North Carolina**

Southern Division

<b>ANDREW U. D. STRAW,</b> <i>Plaintiff,</i>	)	Case#: 7:23-cv-162-BO-BM
	)	
	)	Hon. Terrence Boyle
v.	)	Judge Presiding
	)	Hon. Brian Meyers
<b>UNITED STATES OF AMERICA,</b>	)	Magistrate Judge
<i>Defendant.</i>	)	
	)	<b>JURY TRIAL DEMANDED</b>

**MOTION FOR LEAVE TO FILE MOTION FOR DECLARATORY JUDGMENT TO  
FACILITATE THIS INDIVIDUAL COMPLAINT**

COMES NOW, *pro se Plaintiff* ANDREW U. D. STRAW (hereinafter "Plaintiff"), individually, make this MOTION so the Court determine with finality certain facts that cannot be reasonably disputed per the authority of 28 U.S.C. § 2201 and FRCP Rule 57:

**DECLARATORY JUDGMENT REQUESTS**

1. Andrew U. D. Straw was born at Camp LeJeune Naval Hospital (CLNH) on March 19, 1969.<sup>1</sup>
2. For his birth, he and his mother were in the Naval Hospital as in-patients from March 19-22, 1969.
3. Prior to that time, Straw was *in utero* and used the base from 12/19/1968.

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<sup>1</sup> *Straw v. Wilkie*, 32 Vet. App. 374, 375 (2020) *Straw v. Wilkie*, 20-2090, 843 F. App'x 263 (Fed. Cir. 1/15/2021).

4. Andrew U. D. Straw's U.S. Navy and U.S.M.C. Medical Records document presence at and usage of Camp LeJeune and its Naval Hospital in 1968 and 1969 for over 30 days, with multiple prenatal CLNH hospital visits.
5. Andrew U. D. Straw's father was a U.S. Marine. His name is Phillip U. D. Straw.
6. Marine Phillip Straw's U.S. Navy Service Record (page 5) shows that he was stationed at Camp LeJeune's MCAS New River from December 19, 1968, through July 24, 1970.
7. These FULL Medical Records and Service Record were provided by the National Archives to Andrew U. D. Straw and are in possession of the defendant's counsel as of this date.
8. Thus, Phillip Straw, Sandra Straw his wife, and son Andrew Straw all used Camp LeJeune and had access to it from **December 19, 1968 to July 24, 1970**.
9. The Medical Records of Andrew Straw show that the USMC Privilege Card his mother and he used to access the base and its amenities (including the toxic swimming pool) had the following Card Number: **N7,051,397**.
10. Andrew U. D. Straw had access to and used Camp LeJeune for a period of **583 days**, which is approximately 19 months.
11. Sandra Kay Straw had access to and used Camp LeJeune for a period of **583 days**, which is approximately 19 months.
12. Phillip Straw had access to and used Camp LeJeune for a period of **583 days**, which is approximately 19 months.

13. **Andrew U. D. Straw has bipolar disorder** and this has been adjudicated by the Social Security Administration in 2008. *Straw v. LinkedIn*, 5:22-cv-7718-EJD (N.D. Cal. 2023) (**Dkt. 22-32**). It has also been adjudicated in federal court cases in the U.S. Courts of Appeals for the Fourth Circuit and Seventh Circuit areas,<sup>2</sup> *inter alia*.
14. A psychologist has suggested that Andrew U. D. Straw may have a form of schizophrenia based on a scientific test Doctor Alexander Bory administered to Andrew. *Straw v. LinkedIn*, 5:22-cv-7718-EJD (N.D. Cal. 2023) (**Dkt. 22-25**).
15. In that same **Dkt. 22-25** report, Doctor Bory suggested that Andrew U. D. Straw displays "autistic thinking."

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<sup>2</sup> "Straw is a United States citizen who has 'severe physical and mental disabilities' including **bipolar disorder**, anxiety, and broken bones." *Straw v. U.S. Ctrs. for Medicare Servs.*, 20-1315-RDB at **\*2** (D.MD 12/9/2020).

Plaintiff avers that he has "severe physical and mental disabilities." ECF 1, ¶ 4, as a result of **birth defects** and a "head-on" **car accident** that occurred in 2001. See *id.* ¶¶ 4-14; ECF 1-2, ¶ 4; ECF 25, ¶¶ 5, 8, 17; ECF 25-1 to ECF 25-6. Among other issues, plaintiff underwent an "amputation of the top portion of [his] right femur in 2012 . . ." ECF 1-2, ¶ 4. **The government does not dispute that Mr. Straw is disabled.** *Straw v. U.S. Dep't of State*, 19-2294-ELH, **\*6-7** (D.MD 5/14/2020).

*Straw v. North Carolina*, 7:18-cv-00074-M at **\*10** (E.D.N.C. 3/3/2020) (allegations sufficient to show disability for ADA purposes).

A nurse practitioner said that I have bipolar, depression, anxiety, and migraines in the course of authorizing me to have a service animal. *Straw v. LinkedIn*, 5:22-cv-7718-EJD (N.D. Cal. 2023) (**Dkt. 22-31**). See also **Dkts. 22-29, 22-30** (bipolar diag.).

The ABA featured me as a Spotlight lawyer with disabilities and explained how I have **bipolar disorder**. *Straw v. LinkedIn*, **Dkt. 22-39**.

16. Andrew U. D. Straw in his short form complaint (**Dkt. 55**) lists many other conditions but **bipolar, schizophrenia,** and “**autistic thinking**” are among the most severe and serious.
17. Both **bipolar** and **schizophrenia** are associated with extreme prejudice and stigma<sup>3</sup> in society, so severe that those with the conditions stigmatize even themselves. Some have called this pervasive social stigma “**social death.**”<sup>4</sup>
18. People with **autism** also experience severe stigma of like kind.<sup>5</sup>
19. These facts about stigma and mental illnesses are so common and well known, the Court declares that Andrew Straw has experienced these disadvantages as a person and lawyer just like all others with these illnesses in every life area. Having all 3 compounds Straw’s suffering even more than having just one.

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<sup>3</sup> Perich T, Mitchell PB, Vilus B. Stigma in bipolar disorder: A current review of the literature. *Aust N Z J Psychiatry.* 2022 Sep;56(9):1060-1064. doi: 10.1177/00048674221080708. Epub 2022 Feb 16. PMID: 35172630. <https://pubmed.ncbi.nlm.nih.gov/35172630/>

Hawke LD, Parikh SV, Michalak EE. Stigma and bipolar disorder: a review of the literature. *J Affect Disord.* 2013 Sep 5;150(2):181-91. doi: 10.1016/j.jad.2013.05.030. Epub 2013 Jun 10. PMID: 23759420. <https://pubmed.ncbi.nlm.nih.gov/23759420/>

Latalova K, Ociskova M, Prasko J, Kamaradova D, Jelenova D, Sedlackova Z. Self-stigmatization in patients with bipolar disorder. *Neuro Endocrinol Lett.* 2013;34(4):265-72. PMID: 23803872. <https://pubmed.ncbi.nlm.nih.gov/23803872/>

<sup>4</sup> [https://doi.org/10.1016/S0140-6736\(09\)61510-5](https://doi.org/10.1016/S0140-6736(09)61510-5)

<sup>5</sup> Han E, Scior K, Avramides K, Crane L. A systematic review on autistic people's experiences of stigma and coping strategies. *Autism Res.* 2022 Jan;15(1):12-26. doi: 10.1002/aur.2652. Epub 2021 Dec 8. PMID: 34881514. <https://pubmed.ncbi.nlm.nih.gov/34881514/>

20. Bipolar disorder also increases the risk of severe car accidents by 66% according to a medical study in Pubmed.<sup>6</sup>
21. Andrew Straw was in such an accident, severely impacting his employment at the Indiana Supreme Court. *Straw v. LinkedIn*, 5:22-cv-7718-EJD (N.D. Cal. 2023) (Dkt. 22-3, 22-26, 22-27, & 22-28). Straw only received a \$50,000 settlement check after fees and costs when the damage was severe. Both Straw's legs were broken, along with his pelvis, ribs, hand and facial bones. He was on the way to work at the Indiana Supreme Court when the reckless driver crossed into Straw's lane and hit him and his passenger head-on at full speed.
22. The Court declares that the Camp LeJeune PCE increased Andrew U. D. Straw's accident risk by 66%, including his actual accident serving Indiana's entire state judicial branch. *Straw v. LinkedIn*, Dkt. 22-44.
23. The government has admitted that PCE was in Camp LeJeune's drinking water supplies. Dkt. 17. The Court accepts this as true and declares it as a matter of law.
24. All damage and injuries consequent to that PCE poisoning of Andrew U. D. Straw *in utero* and as an infant are declared as having happened from that cause as a matter of specific and general causation.

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<sup>6</sup> Chen VC, Yang YH, Lee CP, Wong J, Ponton L, Lee Y, McIntyre RS, Huang KY, Wu SI. Risks of road injuries in patients with bipolar disorder and associations with drug treatments: A population-based matched cohort study. *J Affect Disord*. 2018 Jan 15;226:124-131. doi: 10.1016/j.jad.2017.09.029. Epub 2017 Sep 23. PMID: 28972929. <https://pubmed.ncbi.nlm.nih.gov/28972929/>

25. PCE exposure in drinking water *in utero* or as an infant significantly raises the chance of contracting bipolar disorder according to medical research publicly available in the National Library of Medicine, Pubmed.gov,<sup>7</sup> increasing the chance of contracting bipolar by **80%** in one study. Similarly, in the same study, the chances of contracting schizophrenia was increased by **over 100%** with such early life PCE exposure.

26. PCE exposure of fetuses and young children greatly increased the chance of autism in another Pubmed.gov source.<sup>8</sup>

27. As a matter of equipoise causation under CLJA, Straw's 583 days of fetal and infant Camp Lejeune toxic PCE water exposure caused his bipolar, schizophrenia, and "autistic thinking" and the stigma associated with them as well as the 66% increased risk of the actual severe car accident Straw experienced without proper compensation for such broken bones from head to ankle in service to every court in the State of Indiana.

WHEREFORE, Plaintiff Straw asks the Court to provide leave to file this MOTION. The Court should declare the truth of the above 27 statements as a matter of law to prompt the government to negotiate in good faith going forward and to reduce the

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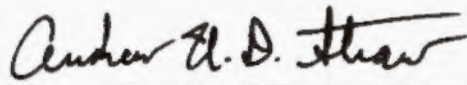
<sup>7</sup> Aschengrau A, Weinberg JM, Janulewicz PA, Romano ME, Gallagher LG, Winter MR, Martin BR, Vieira VM, Webster TF, White RF, Ozonoff DM. Occurrence of mental illness following prenatal and early childhood exposure to tetrachloroethylene (PCE)-contaminated drinking water: a retrospective cohort study. *Environ Health*. 2012 Jan 20;11:2. doi: 10.1186/1476-069X-11-2. Erratum in: *Environ Health*. 2020 Apr 9;19(1):40. PMID: 22264316; PMCID: PMC3292942. <https://pubmed.ncbi.nlm.nih.gov/22264316/>

<sup>8</sup> von Ehrenstein OS, Aralis H, Cockburn M, Ritz B. In utero exposure to toxic air pollutants and risk of childhood autism. *Epidemiology*. 2014 Nov;25(6):851-8. doi: 10.1097/EDE.000000000000150. PMID: 25051312; PMCID: PMC4698150. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4698150/>

number of facts a jury would need to determine. These facts are not disputable by the defendant in good faith with possession of the Medical Records and Service Record and the other court and medical documents and studies mentioned above.

I, *pro se plaintiff* Andrew U. D. Straw, verify that the above factual contentions and statements are true and correct to the best of my knowledge, information, and belief, on penalty of perjury. Signed: **October 16, 2023.**

Respectfully,



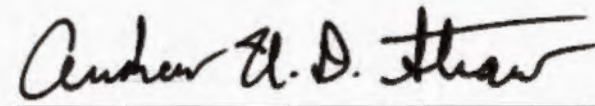
s/ ANDREW U. D. STRAW

712 H ST NE, PMB 92403  
Washington, D.C. 20002  
Telephone: (847) 807-5237  
andrew@andrewstraw.com

#### CERTIFICATE OF SERVICE

I, Andrew U. D. Straw, certify that on **October 16, 2023**, I sent this **MOTION**. I sent this document via U.S. Mail to the Clerk of Court on **October 16, 2023**. CM/ECF will serve the defendants when the Clerk scans this document.

Respectfully submitted,



s/ ANDREW U. D. STRAW

*Pro Se Plaintiff*

712 H ST NE, PMB 92403  
Washington, D.C. 20002  
Telephone: (847) 807-5237  
andrew@andrewstraw.com

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v.	)	Hon. Terrence Boyle
	)	Judge Presiding
	)	Hon. Brian Meyers
UNITED STATES OF AMERICA, <i>Defendant.</i>	)	Magistrate Judge
	)	
	)	JURY TRIAL DEMANDED

**ORDER ON MOTION FOR DECLARATORY JUDGMENT**

The Court, being advised in the premises, makes the following findings and orders:

- All of the facts and legal conclusions presented in the numbered declarations, numbered at paragraphs 1-27 in Straw's MOTION FOR DECLARATORY JUDGMENT, are found to be true, supported by admissible documentary evidence, and indisputable by the defendant in good faith.

*Held:* This Court hereby issues this declaratory judgment under FRCP Rule 57 and under authority of 28 U.S.C. § 2201 to assist with this specific case. It is hereby established and declared that Mr. Straw's toxic Camp LeJeune PCE exposure at a young age lasted from 1968 to 1970 and was pre-authorized by his mother's USMC Privilege Card # **N7,051,397**. This ORDER also declares what several of Straw's severe mental illnesses are, *inter alia* since **Dkt. 55** also lists other ailments. This ORDER declares and establishes that Straw's mental illnesses were sufficiently shown to be caused (both specific and general) by the PCE admitted at **Dkt. 17** to be in the water to which Mr. Straw was exposed *in utero* and as an infant for 583 days. The amount of damages shall be left to a jury to decide as Mr. Straw does not request that amount to be declared here or in his short form complaint at **Dkt. 55**.

It is so ORDERED.

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DATE

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HON.