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Lawsuit: Navy's Secrecy, Failure to Treat Injured Red Hill Families Intensify Distrust

Amended federal complaint adds details of illnesses in wake of recent spill of toxic PFAS near water supply

HONOLULU, Dec. 13, 2022 – Hundreds of military family members and civilians exposed to contaminated water near the Red Hill Bulk Fuel Storage Facility in Hawai'i suffer from a widening range of frightening, debilitating health effects because of the U.S. Navy's reluctant, inconsistent delivery of medical care and its increasing secrecy, according to an amended federal-court complaint filed today.

The complaint alleges medical “gaslighting” by the Navy and its refusal to fully disclose the scope of the Red Hill contamination has left many of them fearing for their families and futures and distrustful of the Navy command on which they depend.

Filed in response to a federal government motion to dismiss some of the families' medical claims, the amended complaint adds new details of alleged injuries suffered by 22 additional family members. The complaint also cites mixed messages from the Navy command about the families' access to medical treatment, their concerns that some Navy doctors may be afraid to link necessary treatments to Red Hill – and their new concerns about another Navy toxic chemical accident at Red Hill that occurred on Nov. 29, 2022.

“More than a year after the catastrophic November 2021 infusion of thousands of gallons of jet fuel into the water supply around Red Hill Bulk Fuel Storage Facility on O'ahu, Hawai'i, the U.S. Government still cannot get its story straight,” the complaint alleges. The complaint contrasts recent assurances of the commander of the U.S. Pacific Fleet to “take absolutely every report of medical effects extremely seriously” with criticisms of a Navy doctor on the ground that military families are demanding “magic tests” and “are to blame for believing ‘medical misinformation’ about Red Hill.”

The complaint adds details of the government's alleged failure to treat injured family members. Many families also fear that military leadership has discouraged doctors from linking their injuries to Red Hill, one family says their provider told them, “I'm not allowed to put the water as the problem.”

Attorney Kristina S. Baehr, co-lead of the families' legal team said, “This amended lawsuit adds to the story of a government that poisoned its people, failed to treat them, and told sick families they were not sick. The government's continued failure to provide even the most baseline care is medical negligence or worse. These families want the Navy held accountable for its conduct before, during and after the contamination of the Red Hill water they ingested and bathed in for months.”

Intensifying the families' concerns and distrust is another Navy toxic chemical accident at Red Hill on Nov. 29, 2022, the complaints asserts. Late that day, approximately 1,100 gallons of toxic fire-suppressing foam leaked into topsoil and into the underground facility, according to the Hawaii state health department. So-called “forever chemicals” – or PFAS – in the foam cause cancer. So far, the Navy has refused to release videos of the incident.

More than 100 injured U.S. military family members and civilians have filed federal-court claims against the Navy to date. Hundreds more have filed pre-litigation SF-95 administrative claim forms with the government under the Federal Tort Claims Act (FTCA) and who will be added to the lawsuit, according to their attorneys at Just Well Law, PLLC, the Hosoda Law Group, and The Lanier Law Firm.

The legal team will hold two community meetings for affected families to update its ongoing investigation and the pending litigation – today at 6 p.m. (HST) at 891 Valkenburg Street in Honolulu (across from the Honolulu Fire Department Training Academy), and on Wednesday, Dec. 14 at 6 p.m. (HST) at the AMVETS West Oahu Veterans Center at 5001 Iroquois Avenue, Ewa Beach, HI 96706.

The injured families reported seizures, gastrointestinal disorders, neurological issues, burns, rashes, lesions, thyroid abnormalities, migraines, neurobehavioral challenges, and other maladies, the complaint asserts. The families were evacuated from their contaminated homes. They were forced to move back into those homes, only to get sick again, and now many reside elsewhere, according to the complaint. The lawsuit was filed the military families and civilians after they exhausted administrative remedies under the FTCA.

The case is *Patrick Feindt, Jr., et al., v. The United States of America*, Case No. 1:22-cv-0039, in the U.S. District Court for the District of Hawai'i. A trial date for the case is set for Jan. 29, 2024.

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