

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

IN RE:)
)
) Docket No.
) 7:23-CV-00897
CAMP LEJEUNE WATER LITIGATION)
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TUESDAY, OCTOBER 22, 2024
TRANSCRIPT OF STATUS CONFERENCE
BEFORE THE HONORABLE ROBERT B. JONES, JR
UNITED STATES MAGISTRATE JUDGE

APPEARANCES:

On Behalf of the Government:

Adam Bain, Anna Ellison, Giovanni Antonucci
Bridget Bailey Lipscomb and Sara Mirsky (via telephone)

On Behalf of the Defendant:

J. Edward Bell, III, Leslie Lemachia, Erin Flynn, Gina
Butler, Eric Flynn, Hugh Overholt, Scott Overholt
Michael Dowling, Elizabeth Cabreser, Jim Roberts, Zina
Bash, Robin Greenwald, Eleanor Slota, Mona Lisa Graham
(via telephone)

On Behalf of Settlement Master Team:

Tyra Edwards and Ken Knight (via telephone)

JENNIFER C. CARROLL, RMR, CRR, CRC
Official Court Reporter
United States District Court
Wilmington, North Carolina
Stenotype with computer-aided transcription

1 Tuesday, October 22, 2024, at 11:06 a.m.

11:06:31 2 **P R O C E E D I N G S**

11:06:31 3 THE COURT: Good morning, everyone.

11:07:02 4 Okay. Mr. Bell, I was wondering if, in the
11:07:11 5 status report, it is indicated that there are more than
11:07:17 6 550,000 administrative claims on file with the
11:07:21 7 Department of the Navy. I understand that there --
11:07:27 8 there may be some work going on to de-duplicate some of
11:07:34 9 the filings. Is there a more accurate number than more
11:07:39 10 than 550?

11:07:41 11 MR. BELL: I don't have that information,
11:07:42 12 Your Honor, but I think the Department of Justice is
11:07:44 13 working on getting that. We understand that toward the
11:07:49 14 deadline, when there was some issues relating to some of
11:07:52 15 the firms not being able to get on the portal, they're
11:07:58 16 worried about it, and I think some of them actually
11:08:00 17 double filed. So we don't know how many that will be.
11:08:04 18 I don't have any information on that.

11:08:05 19 THE COURT: Yes, sir.

11:08:05 20 MR. BAIN: Your Honor, it's closer to
11:08:07 21 500,000. But the Navy is continuing to do
11:08:12 22 de-duplication of the claims, so we don't have a precise
11:08:15 23 number.

11:08:15 24 THE COURT: So you think it will be no more
11:08:18 25 than 500,000?

11:08:19 1 MR. BAIN: We believe it will be less than
11:08:21 2 500,000. Yes.

11:08:22 3 THE COURT: Okay. All right.

11:08:24 4 Okay. There is a lot in the status report
11:08:33 5 regarding what appear to be tying up loose ends on fact
11:08:37 6 discovery. Is there anymore to add on that?

11:08:40 7 MR. BAIN: Your Honor, this is -- I would
11:08:41 8 like to introduce Giovanni Antonucci and Anna Ellison.
11:08:46 9 They will be addressing a few of the outstanding issues
11:08:48 10 that are on discovery.

11:08:49 11 THE COURT: Okay. Yes, sir.

11:08:51 12 MR. ANTONUCCI: Good morning. Giovanni
11:08:54 13 Antonucci for the United States.

11:08:56 14 There are two additional discovery issues
11:08:57 15 that we would like to flag for the Court's awareness
11:09:00 16 that I will be raising. The first is the depositions of
11:09:04 17 Mr. Scott Williams and Ms. Susan Martel. These are the
11:09:08 18 depositions of individuals involved in Marine Corps Base
11:09:12 19 Camp Lejeune environmental programs and the National
11:09:14 20 Academy of Sciences. They have been scheduled for
11:09:17 21 November 15th and November 12th of 2024. At this time,
11:09:21 22 the parties agree that these depositions will take place
11:09:23 23 as scheduled. And it is our understanding that these
11:09:25 24 are the only outstanding fact depositions in the case.

11:09:28 25 THE COURT: Okay.

11:09:30 1 MR. ANTONUCCI: The second issue that I
11:09:31 2 would like to raise is one of economic damages
11:09:33 3 assessments. The United States has received all 25
11:09:38 4 economic damage assessments at this time. The United
11:09:41 5 States's understanding of our agreement with PLG was
11:09:44 6 that the supplementation of the damages assessments
11:09:49 7 would be permissible, however limited to information
11:09:51 8 that is new or changed circumstances. However, PLG has
11:09:55 9 recently amended certain damages assessments to add new
11:09:58 10 categories of claimed damages. Although these newly
11:10:01 11 claimed categories of damages were not included in the
11:10:04 12 original damages assessments forms, they were all based
11:10:07 13 on information previously available to PLG.

11:10:10 14 The parties continue to meet and confer on
11:10:13 15 the issue. The United States continues to reserve its
11:10:15 16 right to conduct additional follow-up discovery on the
11:10:17 17 amended damages assessments.

11:10:19 18 THE COURT: Have these people been deposed?

11:10:21 19 MR. ANTONUCCI: Yes, Your Honor.

11:10:24 20 THE COURT: Okay. Mr. Bell.

11:10:27 21 MR. BELL: Your Honor, we agree on the
11:10:30 22 depositions of Williams and Martel, will take place on
11:10:35 23 those dates as set. The issue, Judge, on the amended
11:10:42 24 damage forms is fairly expected. I'll give you an
11:10:46 25 example. One of the clients that is part of this issue

11:10:51 1 is a client named Peterson. He is a -- he was a
11:10:58 2 retired -- well, he was an attorney, a prosecutor out of
11:11:00 3 Texas -- or Tennessee, excuse me. He retired in 2003
11:11:05 4 because he was diagnosed with Parkinson's. During that
11:11:08 5 time, he became a subject of a clinical trial in a
11:11:16 6 location away from home. They did a brain implant to
11:11:21 7 help during this testing period. And during our
11:11:25 8 discussions with him, he said, "Well, I remember that I
11:11:29 9 had travel expenses."

11:11:29 10 So things like that are coming up. I'm not
11:11:32 11 aware of any, quote, new categories of what we're
11:11:35 12 talking about. But we're continuing to get 30-year-old
11:11:40 13 medical records that we've asked for months and months
11:11:42 14 and months ago. And as they come in and as new things
11:11:46 15 come in, we're amending them. I don't think we're
11:11:49 16 changing categories, that I'm aware of. But I think
11:11:51 17 this is pretty well expected. These -- it's hard enough
11:11:56 18 to find medical records, much less find microfiche
11:12:01 19 records, things like that. So we're doing the best we
11:12:04 20 can. As soon as they come, we're amending, we're
11:12:07 21 updating.

11:12:08 22 For example, Judge, we gave notice about the
11:12:10 23 clinical trial and the cost involved, about 15 visits to
11:12:13 24 this medical center, out of town, required special
11:12:17 25 travel arrangements because of his condition. We

11:12:21 1 notified the Government but we didn't have the bills yet
11:12:24 2 because we hadn't gotten them. And so as we get those
11:12:27 3 in, we're updating them. And we've told the Government,
11:12:32 4 if they need a separate inquiry or a short depo to ask
11:12:35 5 about this, we'll be glad to do that.

11:12:39 6 THE COURT: Anything else?

11:12:41 7 MR. ANTONUCCI: Your Honor, we certainly
11:12:42 8 understand and appreciate PLG's right and obligation to
11:12:48 9 supplement under Rule 26(e). We believe that the
11:12:50 10 amended damages assessments we've received go beyond
11:12:53 11 that right and obligation.

11:12:55 12 For example, in one case, a category where
11:12:58 13 the plaintiff had previously disclaimed past medical
11:13:00 14 expenses as a category of damages; as amended, the
11:13:05 15 damages assessment roughly a month later to add
11:13:08 16 \$1.8 million in past medical expenses which had all
11:13:14 17 been -- which had all accrued prior to fact discovery
11:13:18 18 even opening in these cases.

11:13:19 19 So the United States understands and
11:13:21 20 appreciates the obligation to supplement as new
11:13:23 21 information becomes available. But we believe that this
11:13:26 22 information has been available for quite some time.

11:13:28 23 THE COURT: All right. Well, I appreciate
11:13:29 24 the update. If -- if you need Court action, you can
11:13:34 25 certainly ask for it.

11:13:36 1 MR. ANTONUCCI: Thank you, Your Honor.

11:13:37 2 THE COURT: Thank you.

11:13:38 3 Anything else regarding loose ends?

11:13:41 4 MR. BAIN: Your Honor, I think we have one
11:13:43 5 more issue regarding independent medical examinations --

11:13:43 6 THE COURT: Right.

11:13:45 7 MR. BAIN: -- that Ms. Ellison would like to
11:13:47 8 address.

11:13:48 9 MS. ELLISON: Good morning, Your Honor.

11:13:49 10 Anna Ellison on behalf of the United States.

11:13:51 11 We just wanted to make you aware that the
11:13:54 12 parties have been meeting and conferring with regards to
11:13:57 13 amending Case Management Order Number 11. We wanted to
11:14:01 14 provide some context and also let you know the status of
11:14:05 15 that.

11:14:06 16 Briefly, and as you will recall, CMO 11 was
11:14:10 17 negotiated at the beginning of fact discovery where the
11:14:13 18 United States agreed to forego seeking Rule 35
11:14:17 19 examinations with the understanding that PLG would
11:14:21 20 provide notice of when their testifying experts
11:14:26 21 conducted examinations and the United States would also
11:14:28 22 have a reciprocal opportunity to do so. As the parties
11:14:33 23 have been meeting, it's become clear that there's some
11:14:35 24 ambiguity around what is an examination under CMO 11.
11:14:40 25 And so the parties have been working to come to a common

11:14:43 1 understanding with an objective and clear definition of
11:14:47 2 "examination" so that it is clear to both parties when
11:14:51 3 PLG's obligation is triggered and also the fair and
11:14:56 4 equal opportunity afforded to the United States as such.

11:15:00 5 I do also want to underscore that the United
11:15:02 6 States does not seek to impose any kind of burden on the
11:15:06 7 plaintiffs and we are not seeking anything beyond what
11:15:10 8 is necessary for the United States's defense and also
11:15:13 9 what is already contemplated under CMO 11.

11:15:17 10 THE COURT: The IMEs are just for the
11:15:20 11 Parkinson's disease plaintiffs? Is that it?

11:15:24 12 MR. BELL: Well, Judge, to shed a little
11:15:26 13 light, the term "examination" is somewhat problematic
11:15:34 14 because if you have an expert, for example, that calls
11:15:39 15 Mrs. Jones and, you know, "Tell me about your -- the
11:15:42 16 history of your disease," some may say that's an
11:15:45 17 examination because you're getting a history. And those
11:15:48 18 are the issues that came up.

11:15:52 19 Mike Dowling, one of the co-leads in this
11:15:54 20 case, has been working with the Government. It's my
11:15:56 21 understanding they're fairly close to reaching an
11:15:58 22 agreement and an understanding.

11:16:00 23 THE COURT: Okay. All right. Well, I
11:16:01 24 appreciate the update. Thank you.

11:16:02 25 MS. ELLISON: Thank you.

11:16:03 1 THE COURT: Anything else?

11:16:05 2 MR. BAIN: No other discovery issues, Your
11:16:06 3 Honor. Well, there is actually one. We did complete
11:16:09 4 the deposition of Dr. Bove last week, and the 30(b)(6)
11:16:14 5 deposition of the ATSDR was put off pending that
11:16:18 6 deposition so that the plaintiffs could ask those
11:16:21 7 questions of Dr. Bove. They have seven days to get back
11:16:24 8 to us whether a 30(b)(6) deposition is still needed. I
11:16:27 9 was at that deposition. I believe Dr. Bove answered all
11:16:30 10 of the questions pertaining to that. So personally, I
11:16:35 11 don't believe that there is a need for a 30(b)(6)
11:16:36 12 deposition. But the plaintiffs have until the end of
11:16:39 13 the week to let us know.

11:16:40 14 THE COURT: Okay.

11:17:06 15 Okay. I would like to talk about the --
11:17:11 16 what seemed to be two different proposals, or at least a
11:17:18 17 clarification -- a request for clarification from the
11:17:21 18 parties by the Court of the elements of the CLJA claim
11:17:28 19 and general framework for trial. I would like the
11:17:32 20 Government to explain its position first and then I
11:17:36 21 would like to hear from the plaintiffs.

11:17:39 22 MR. BAIN: Your Honor, there's an issue with
11:17:41 23 respect to each of the elements in the two phases that
11:17:45 24 are going to go forward. Phase I and Phase II.
11:17:49 25 Phase I, the water contamination phase, the parties were

11:17:54 1 at an agreement at one point as to the language for the
11:17:59 2 nature of the proof for the water contamination phase.
11:18:02 3 But the plaintiffs added vapor intrusion and emissions
11:18:08 4 evidence to the statement.

11:18:09 5 THE COURT: What is vapor intrusion and --
11:18:14 6 what was the other one?

11:18:15 7 MR. BAIN: Emissions.

11:18:16 8 THE COURT: Emissions.

11:18:17 9 MR. BAIN: I think it's part of the same
11:18:19 10 thing. It's when there is contamination in the
11:18:21 11 groundwater that is underneath the building. The
11:18:22 12 contamination can volatilize through the soil, come up
11:18:27 13 through the soil, enter the building, and create
11:18:29 14 contamination of the air in the building. So we believe
11:18:32 15 that's an entirely different subject matter that really
11:18:36 16 depends on the individual circumstances of where a
11:18:39 17 person is in a building, what the contamination levels
11:18:43 18 are in the vicinity of the building, which is very
11:18:45 19 different from what we understand to be the issue in
11:18:48 20 Phase I, which is the contamination in the water
11:18:51 21 distribution system.

11:18:53 22 There's also an issue that we're looking
11:18:55 23 into whether vapor intrusion is even contemplated by the
11:19:02 24 Camp Lejeune Justice Act given that the statute talks
11:19:05 25 about water supplied by the United States and exposure

11:19:07 1 to water. This is actually contaminants that come up
11:19:11 2 through the soil and become suspended in the air in the
11:19:17 3 buildings. And so we don't think that's part of
11:19:20 4 Phase I, even if it is a part of the Camp Lejeune
11:19:24 5 Justice Act, which we have questions about.

11:19:26 6 THE COURT: And so your -- what would your
11:19:28 7 Phase I look like?

11:19:29 8 MR. BAIN: Our Phase I would look like:
11:19:31 9 What are the contamination levels that are served to
11:19:35 10 individuals through the water distribution system at
11:19:37 11 Camp Lejeune in the different systems that were
11:19:40 12 contaminated? What were those levels historically over
11:19:43 13 time?

11:19:43 14 THE COURT: And then what about Phase II?

11:19:45 15 MR. BAIN: Phase II, I think where we have a
11:19:48 16 difference of opinion is to -- is to whether the levels
11:19:51 17 are relevant to a determination of whether the chemicals
11:19:56 18 caused the disease alleged. We believe that the levels
11:19:59 19 are relevant to that determination. It's a step-by-step
11:20:02 20 process. Phase I will determine the levels, Phase II
11:20:05 21 goes to whether those levels can cause the diseases at
11:20:08 22 issue. It is part of the language that the Court has
11:20:14 23 used in its prior order, whether the contaminants in the
11:20:20 24 water can cause the disease as a general matter.

11:20:23 25 We think the levels are important to that

11:20:25 1 determination. Because the environmental levels at
11:20:28 2 Camp Lejeune are very different from some studies that
11:20:31 3 look at occupational levels of workers who work with
11:20:35 4 solvents, for example. There's differences in those
11:20:38 5 exposure levels. And as the science will show, it's the
11:20:41 6 exposure that is determinative of whether the disease
11:20:46 7 can be caused.

11:20:49 8 THE COURT: I think in the status report you
11:20:51 9 indicated that, "Including an examination of the
11:20:56 10 concentration levels of contaminants in the water at
11:21:00 11 Camp Lejeune will also further global resolution for the
11:21:04 12 broader litigation." What does that mean?

11:21:05 13 MR. BAIN: That means, by looking at the
11:21:07 14 general causation and the levels that were at
11:21:10 15 Camp Lejeune, we'll be able to get a read on what the
11:21:14 16 Court's determination is as to whether those levels are
11:21:17 17 sufficient to cause a disease, and we can extrapolate
11:21:20 18 that to other diseases that might be claimed. So by
11:21:24 19 getting determinations that are tied to the levels at
11:21:27 20 Camp Lejeune, we can use any decisions that the Court
11:21:31 21 makes about whether general causation is established to
11:21:35 22 look at whether that evidence is sufficient for other
11:21:37 23 diseases.

11:21:44 24 THE COURT: Okay. Mr. Bell.

11:21:48 25 MR. BELL: Judge, in our status report --

11:21:52 1 I'm sorry, I've got a -- something in my throat -- we've
11:21:56 2 indicated and tried to show the Court that the issue of
11:22:00 3 general causation has to do with can this chemical at
11:22:04 4 any level cause this disease. And I think that's the
11:22:08 5 general way the Court actually -- the way we read the
11:22:11 6 order.

11:22:12 7 Now, what the Government is trying to do now
11:22:14 8 is they're trying to say, "But can the levels at
11:22:18 9 Camp Lejeune cause that disease?" And that's going to
11:22:21 10 require the specific causation expert to get involved.
11:22:25 11 So let me see if I can explain that.

11:22:28 12 We have three possible, maybe four possible
11:22:32 13 ways of exposure. One, drinking the water, of course
11:22:35 14 would be one. Vapor or -- which is inhalation -- taking
11:22:39 15 a shower, the mist, all of that. That apparently --

11:22:42 16 THE COURT: But that's not always the --
11:22:45 17 that's not always the example of vaporization. Right?

11:22:50 18 MR. BELL: No, sir, it isn't.

11:22:51 19 THE COURT: I mean, the showerhead -- the
11:22:52 20 showerhead -- or I think an example you used earlier,
11:22:56 21 the -- whatever the mechanism in the cafeteria that
11:23:00 22 makes the steam, that's water that's being presumably
11:23:04 23 sucked up in some well somewhere on Lejeune and pumped
11:23:08 24 out to these places. That's water that's being
11:23:13 25 supplied. What is -- and to Mr. Bain's argument, what's

11:23:17 1 being supplied? Is there -- who is supplying the water
11:23:21 2 that's emanating out of the ground --

11:23:23 3 MR. BELL: The ground is another question.
11:23:25 4 But the things through the showerheads, the steams, and
11:23:28 5 the cafeteria, the swimming pool mist, things like that,
11:23:33 6 they're all part of the water under Camp Lejeune Act. I
11:23:37 7 don't think we disagree with that. The issue on the
11:23:40 8 vapor is another question. There's supposedly,
11:23:45 9 imminently, getting ready to be published, a vapor study
11:23:48 10 by the Government. We heard it's due soon. It's
11:23:53 11 overdue, we've heard. But we don't have that yet, so
11:23:56 12 it's hard to address the issue. We had proposed that we
11:23:59 13 delay that issue until we get a little further down the
11:24:02 14 road without waiving that. And I think that's the way
11:24:05 15 to go.

11:24:06 16 But the problem with the general causation,
11:24:08 17 Your Honor, is -- for example, duration is important.
11:24:15 18 The kind of plaintiff. Do you have a child? Do you
11:24:19 19 have in utero? Do you have an older person? Do you
11:24:21 20 have a person that's 250 pounds or someone who is a
11:24:24 21 hundred pounds? So all of that has to do with can the
11:24:27 22 level at Camp Lejeune cause the illness that that
11:24:31 23 particular plaintiff has.

11:24:33 24 So most of the time in general causation
11:24:36 25 cases, the first thing you look at is can this -- can

11:24:40 1 this chemical cause this disease. Three of the four
11:24:44 2 chemicals, Your Honor, are already admitted carcinogenic
11:24:50 3 chemicals. There's no question about that. The fourth,
11:24:52 4 PCE, is a highly suspected cause of cancer. It's a
11:24:57 5 carcinogen. So we know we have carcinogens there. And
11:25:01 6 we know from numerous studies that all of these diseases
11:25:05 7 are related to those chemicals. That seems to me to be
11:25:09 8 one of the easy parts of this case.

11:25:11 9 What the Government is trying to do is
11:25:13 10 they're trying to get us to bring in our specific
11:25:17 11 experts now. That's going to take the method of
11:25:22 12 exposure, the level of exposure, and the duration of
11:25:24 13 exposure. For example, we have one client who was there
11:25:26 14 15 years. The person drank water, showered in the
11:25:30 15 water, ate out of the food and everything for 15 years.
11:25:33 16 Well, that person's exposure is different than someone
11:25:37 17 who is there 30 days or 60 days. And so with respect
11:25:42 18 to -- I think the question's a good question that has to
11:25:46 19 be answered. But I think it's in the wrong phase.

11:25:49 20 Now, those questions will be answered
11:25:51 21 without specific experts, and they will be due, I think,
11:25:54 22 in January. So we're not talking about a long
11:25:58 23 distance -- a long time frame.

11:26:00 24 THE COURT: Are you asking the Court to
11:26:04 25 clarify this issue with -- through an order?

11:26:07 1 MR. BELL: We don't think it needs
11:26:09 2 clarifying, Judge. We think that the -- everyone agreed
11:26:12 3 the general causation experts are due in December.

11:26:15 4 THE COURT: Right.

11:26:15 5 MR. BELL: Specific are due in January.

11:26:17 6 THE COURT: Right.

11:26:18 7 MR. BELL: All of the questions that that --
11:26:20 8 does the level at Camp Lejeune create enough exposure to
11:26:23 9 cause a disease is answered by specific causation
11:26:27 10 experts. And we'll have that.

11:26:33 11 THE COURT: Okay.

11:26:34 12 MR. BAIN: Your Honor, just to address that
11:26:36 13 very quickly. The levels that are present in an
11:26:39 14 environmental setting are orders of magnitude different
11:26:43 15 than levels that are present in an occupational setting
11:26:45 16 or in an animal study. So what's at issue here is the
11:26:49 17 levels that are present in an environmental study, and
11:26:52 18 that's an issue of general causation. We agree that
11:26:56 19 when it gets to individuals and what their particular
11:27:00 20 exposure was and what other alternative risk factors
11:27:04 21 they might have had, that's a matter of specific
11:27:06 22 causation. But that's not what we're saying is general
11:27:09 23 causation. It's whether the environmental levels that
11:27:11 24 are present at Camp Lejeune are capable of causing the
11:27:14 25 diseases alleged. And the Court has already said with

11:27:17 1 respect to general causation that it means the levels of
11:27:22 2 exposure that are hazardous to human beings generally.
11:27:26 3 And that's in a prior court order in this case. And
11:27:28 4 that's all we're asking to be part of the general
11:27:30 5 causation inquiry.

11:27:35 6 THE COURT: Is this -- what I'm getting at
11:27:36 7 is, do you need any -- anything from the Court to
11:27:40 8 resolve this differing viewpoint, or is this something
11:27:43 9 that will be -- will be resolved through *Daubert*
11:27:49 10 hearings?

11:27:49 11 MR. BAIN: Your Honor, if I can address
11:27:51 12 that. I think an order from the Court would be helpful
11:27:54 13 because, you know, for one thing, the vapor intrusion,
11:27:57 14 whether that's part of the case or whether that's in
11:28:00 15 Phase I or --

11:28:01 16 THE COURT: That's really what I'm getting:
11:28:03 17 Is that part of the case? Is that something the Court
11:28:07 18 needs to weigh in on at this point, or does that just
11:28:10 19 get resolved --

11:28:11 20 MR. BAIN: It will need to be resolved
11:28:13 21 eventually because it's a matter of statutory
11:28:15 22 interpretation. But I think the way that the Court has
11:28:19 23 very methodically bifurcated the case -- or trifurcated
11:28:23 24 the case, which I think is very helpful to a global
11:28:25 25 resolution, that those issues should be resolved in

11:28:29 1 those trifurcated ways. And so I think some clarity as
11:28:34 2 to what the evidence is that's part of each phase would
11:28:37 3 be helpful.

11:28:38 4 THE COURT: What do you think?

11:28:40 5 MR. FLYNN: Your Honor, if I might. Eric
11:28:42 6 Flynn for Plaintiffs' Leadership Group.

11:28:45 7 I think there are two issues with this vapor
11:28:47 8 emissions and intrusion. Right? So if you look at the
11:28:50 9 definitions of Phase I, the only difference between the
11:28:53 10 DOJ's position and the PLG's position is, I believe, the
11:28:56 11 vapor intrusion and emission language was found in the
11:28:58 12 PLG that's not found in the DOJ. I think it totals four
11:29:02 13 words.

11:29:04 14 As noted in the status report, our position,
11:29:07 15 our thought is that vapor intrusion and emission is part
11:29:10 16 and parcel of fate and transport of water. They can
11:29:15 17 disagree, and that's fine. But the idea of that is to
11:29:18 18 get to, perhaps, some exposure concepts. Right? So
11:29:22 19 if -- like we said, if that's something that the -- that
11:29:25 20 we can present at Phase II or Phase III, I think PLG is
11:29:30 21 fine with that. This other question, which appears to
11:29:32 22 be really more of a legal question, as to whether
11:29:35 23 fate -- I mean, emissions and intrusion is part of the
11:29:38 24 Camp Lejeune Justice Act, the answer to that might be
11:29:42 25 that the Court might need to issue an order and there

11:29:44 1 might need to be additional briefing.

11:29:46 2 The problem that I think we find ourselves
11:29:47 3 in is we have a very -- we have a paragraph. And maybe
11:29:52 4 additional color would be helpful for the Court to
11:29:54 5 understand all of the various ways in which intrusions
11:29:56 6 and emissions can arise. True, it could be the
11:29:59 7 emissions or vapor that come from steam-generating
11:30:02 8 machines or showers. It could be the groundwater that
11:30:04 9 bubbles up through. It could be something else. It
11:30:06 10 could be out of a well. You stand by a pit that's
11:30:10 11 supplied by the Government, the water comes up, steam,
11:30:13 12 intrusion, vapor emissions.

11:30:15 13 So, yeah, I think there might be a good idea
11:30:18 14 if they want to do it for additional briefing on whether
11:30:22 15 the Camp Lejeune Justice Act includes it. But I think
11:30:26 16 critically where -- the Phase I language, like we said
11:30:29 17 in status report, can be fine without the vapor and
11:30:33 18 emission -- intrusion and emissions language we inserted
11:30:37 19 so long as we keep our right to present evidence about
11:30:40 20 inhalation, about vapor intrusion and emission exposure
11:30:43 21 in Phases II and III.

11:30:45 22 And to your other point -- I think Mr. Bell
11:30:48 23 did a great job at this, which is that if you just look
11:30:51 24 at the calendar, it's -- December or January is the only
11:30:56 25 distinction between some general and specific causation.

11:30:58 1 You can effectively answer all of your questions by
11:31:01 2 waiting 30 days, which happen to also include the
11:31:04 3 Christmas holidays.

11:31:09 4 THE COURT: Well, I'm generally not in favor
11:31:10 5 of creating more work. But to the extent this is an
11:31:15 6 issue that the Court needs to address, it seems to me
11:31:20 7 that if it's not all in the status report, then maybe it
11:31:25 8 should be in the form of a motion and some briefing.

11:31:35 9 Could you submit a motion and brief within a
11:31:38 10 couple of weeks?

11:31:38 11 MR. BELL: Yes, Your Honor. But may I
11:31:40 12 suggest that --

11:31:41 13 THE COURT: And the Court may take it up and
11:31:43 14 may review it and say it's not something that needs to
11:31:46 15 be decided now but decided further down the road. But
11:31:49 16 if it is an issue that needs to be decided now, then it
11:31:52 17 seems like it would make sense to go ahead and put it --
11:31:56 18 put it before the Court.

11:31:58 19 MR. BELL: Maybe the Government could give
11:32:00 20 us an idea -- I'm sure they would probably be able to
11:32:04 21 inquire as to when the vapor intrusion study will be
11:32:07 22 published. We aren't sure, Your Honor, whether the
11:32:09 23 vapor intrusion study includes just groundwater, or does
11:32:13 24 it include other vapors as well? So that's a question
11:32:17 25 that we may not know until that study is released.

11:32:21 1 MR. BAIN: Your Honor, our latest
11:32:23 2 information is that the vapor intrusion study will be
11:32:26 3 completed in the fourth quarter of 2025.

11:32:32 4 THE COURT: Well, I don't think we need to
11:32:33 5 wait. Can you file a motion and brief within two weeks?

11:32:38 6 MR. BELL: You want the plaintiff to do it
11:32:39 7 or the Government? We're not the ones objecting to it,
11:32:42 8 so...

11:32:42 9 THE COURT: Right.

11:32:43 10 MR. BAIN: We can file a motion within two
11:32:45 11 weeks for clarification of the phasing. Yes.

11:32:48 12 THE COURT: Is that going to be -- would
11:32:50 13 that be a joint motion, or what would -- what would that
11:32:53 14 take -- or look like?

11:32:54 15 MR. BAIN: As laid out in the status
11:32:58 16 conference report, I think we disagree on exactly what
11:33:00 17 is part of Phase I and Phase II.

11:33:03 18 THE COURT: Okay.

11:33:03 19 MR. BELL: Well, that's different than the
11:33:05 20 question the Court just asked. The Court just asked
11:33:07 21 about vapor intrusion. But the difference in Phase I
11:33:10 22 and II having to do with general causation and specific
11:33:14 23 causation, I'm not inclined to think we need a motion on
11:33:18 24 that.

11:33:19 25 MR. BAIN: I do think we need a motion on

11:33:21 1 that. I would like clarification of what is in Phase II.

11:33:24 2 MR. BELL: Judge, let's think about this.

11:33:26 3 We have -- December 9th is our deadline. The middle of

11:33:31 4 November, we get a motion. We get however many days to

11:33:34 5 respond. And, all of a sudden, we don't know now what

11:33:36 6 the Court's going to do and our reports are due

11:33:41 7 December 9th. If the Court is inclined to delay the

11:33:45 8 reporting period, I'm inclined to go along with the

11:33:48 9 motion and briefing and have that done.

11:33:51 10 But that doesn't appear to me to be fair, to

11:33:54 11 say we have an unanswered question by the Court and your

11:34:00 12 reports are due next week but we won't be able to give

11:34:03 13 you an answer until two days -- I mean, these general

11:34:06 14 causation experts, Judge, are not analyzing every

11:34:09 15 individual plaintiff. That's not their job. And that's

11:34:12 16 why to ask them, does this level at Camp Lejeune, can it

11:34:17 17 cause the injury complained of by the plaintiff, that's

11:34:22 18 by the specific causation experts. That's how the Court

11:34:25 19 set it up to begin with. And that's how we've planned

11:34:28 20 it. And if that's going to be a different schedule,

11:34:31 21 then we need to redo the dates of when everything is due.

11:34:35 22 MR. BAIN: That's not what we're asking.

11:34:36 23 We're not asking an individual specific information

11:34:38 24 general causation. We're asking -- and I believe this

11:34:40 25 is supported by the Court's prior orders, whether the

11:34:42 1 levels of contaminants that were present at Camp Lejeune
11:34:46 2 are capable of causing the Track 1 diseases. That's
11:34:50 3 all. Not individual plaintiffs' specific exposure
11:34:54 4 and disease.

11:34:58 5 MR. BELL: May we suggest, Your Honor, a
11:35:00 6 problem. Let's say you have a level of 100 of some
11:35:05 7 chemical. Let's say the expert says, "I don't think 100
11:35:10 8 is sufficient for a single dose to cause this disease;
11:35:15 9 but if you're exposed to it for 60 or 90 days, it's
11:35:18 10 enough." So how do we -- how do we do that in general
11:35:24 11 causation? Because you have this -- you have three
11:35:27 12 things. You have the kind of exposure, whether it's in
11:35:29 13 ingestion, inhalation, or dermal. Those are the three,
11:35:33 14 not including the vapor. And then your duration. And
11:35:36 15 then you have the plaintiff themselves. We have some
11:35:40 16 plaintiffs that were adversely affected by these
11:35:42 17 chemicals and their immune system, which makes them more
11:35:46 18 susceptible to these chemicals.

11:35:48 19 So what does our general causation expert
11:35:50 20 really do? It's susceptible of causing this disease
11:35:54 21 under these -- these scenarios. It is -- that's never,
11:36:00 22 as far as I know, done by the general causation expert.
11:36:04 23 The answer that they're asking to get will be there a
11:36:07 24 month later.

11:36:10 25 MR. FLYNN: Your Honor, if I may. I guess

11:36:11 1 I'm a little confused on the briefing request. So I
11:36:15 2 thought that the briefing was whether or not vapor
11:36:18 3 intrusion and emission was covered by the Camp Lejeune
11:36:21 4 Justice Act.

11:36:22 5 THE COURT: That's what I thought.

11:36:23 6 MR. FLYNN: And then now we're veering into
11:36:25 7 whether we're briefing Phase I, Phase II, Phase III. I
11:36:27 8 think it's -- I think -- I thought the question
11:36:30 9 presented to the plaintiffs was can we put together a
11:36:33 10 brief in the next two weeks on the question of whether
11:36:36 11 vapor intrusion and emission provided in groundwater is
11:36:38 12 covered by the Camp Lejeune Justice Act.

11:36:41 13 THE COURT: That's my question. Because I
11:36:42 14 thought that's where y'all departed from one another.

11:36:46 15 MR. FLYNN: In the Phase I level, that's
11:36:47 16 right.

11:36:47 17 MR. BAIN: That's right on Phase I. And I
11:36:48 18 think that that would be plaintiff's motion because
11:36:49 19 they're trying to bring that into the Camp Lejeune
11:36:52 20 Justice Act. We believe, though, that the levels of
11:36:56 21 exposure that are hazardous to human beings generally,
11:37:00 22 as the Court stated in its prior order, is what general
11:37:03 23 causation determination is about. And it references the
11:37:06 24 levels of exposure.

11:37:07 25 So, for example, if you had 100 parts per

11:37:11 1 billion of TCE in the Camp Lejeune water, is that level
11:37:15 2 for someone who was at Camp Lejeune for however many
11:37:18 3 years -- three years, five years, or ten years. Is that
11:37:21 4 level capable of causing non-Hodgkin's lymphoma? That's
11:37:21 5 the question.

11:37:28 6 MR. FLYNN: Your Honor, if I could, just on
11:37:28 7 that, that is inherently a specific causation question.
11:37:31 8 Right? Because then we're going to start coming in to
11:37:34 9 hypotheticals: Five years, ten years, 15 years,
11:37:38 10 100 parts per billion. Well, what if it's -- you know,
11:37:40 11 one of the things that Mr. Bell may have left out is
11:37:42 12 intensity. What if it's 1400 parts per billion for 30
11:37:47 13 days? 60 days? In a child? What does that do? Right?

11:37:51 14 So quickly, the question about levels, the
11:37:54 15 question about, well, you know, this well was measured
11:37:57 16 at eight parts per billion of TCE suddenly becomes
11:38:01 17 everything, not specific. Because it's not just TCE.
11:38:04 18 What about the cocktail component or cocktail effect of
11:38:07 19 mixing in vinyl chloride and benzene and PC into that
11:38:11 20 same well? Right? It's not as easy to silo things.

11:38:15 21 So with respect to the first question that
11:38:19 22 you asked, which was the vapor intrusion and emission as
11:38:24 23 a matter of law, I leave it to the capable hands of Your
11:38:30 24 Honor to tell us which one of us is moving first. But
11:38:32 25 that's, to me, the brief in question. This other

11:38:34 1 question is what is the boundary between general and
11:38:37 2 specific causation. And that, I think, is intention
11:38:40 3 that we've talked about before.

11:38:41 4 Because you look at all of the cases. You
11:38:43 5 look at *Nix*, *Yates*, the Moores chemical one -- Lipitor.
11:38:51 6 Right? All of these questions -- although, Lipitor, I
11:38:53 7 don't think, is a little analogous because it's -- or
11:38:55 8 amorphous here because of the pharmaceutical nature of
11:38:58 9 it. They're taking specific and general causation
11:39:00 10 together.

11:39:02 11 But this question about the line between --
11:39:05 12 what you really have is the question about the line
11:39:08 13 between general and specific causation, which is hard to
11:39:11 14 define. Practically, it's not one that the Court needs
11:39:13 15 to define. Because if you wait 30 days, again, most of
11:39:17 16 which is taken up by the Christmas holidays, you'll have
11:39:20 17 the answer. You'll have the full picture.

11:39:25 18 MR. BAIN: This Court has specifically
11:39:27 19 defined general causation as the levels of exposure that
11:39:29 20 are hazardous to human beings generally.

11:39:32 21 MR. FLYNN: That's right. That's in *Nix*.
11:39:33 22 But that's also -- that same case immediately then
11:39:37 23 looked at the specific causation evidence in that case.
11:39:43 24 All of these cases -- I agree with *Rhyne*, with *Nix*,
11:39:47 25 *Yates*. They're all -- these aren't things that

11:39:51 1 Plaintiffs' Group is trying to deviate from. The
11:39:54 2 difference between them in this case is this line
11:39:56 3 between specific and general causation. Practically,
11:40:00 4 there can be -- I mean, there can be a line for purposes
11:40:03 5 of scheduling. But for practical effect, there is no
11:40:07 6 line. Because unless there's a decision made between --
11:40:11 7 over the Christmas holidays, you'll have everything all
11:40:14 8 at once.

11:40:17 9 THE COURT: All right. Well, if the Court
11:40:20 10 doesn't do anything, if the Court doesn't direct you to
11:40:25 11 brief the vaporization issue, is there any problem that
11:40:35 12 you foresee going forward?

11:40:37 13 MR. BAIN: Well, I think how it would work
11:40:39 14 out is that plaintiffs will likely have an expert
11:40:43 15 witness who will offer some opinion on emissions. We
11:40:45 16 will move to exclude that.

11:40:46 17 THE COURT: So it resolves itself at a
11:40:49 18 *Daubert* hearing.

11:40:49 19 MR. BAIN: It could be resolved that way.
11:40:50 20 Yes.

11:40:50 21 THE COURT: The last thing I want to do is
11:40:52 22 get in the way of this case moving forward. And so I
11:40:55 23 want to know whether there's any value of the Court
11:40:57 24 doing anything, whether the issue is going to be
11:41:00 25 resolved one way or the other down the road in a *Daubert*

11:41:06 1 hearing.

11:41:08 2 MR. FLYNN: Your Honor, while I love a good
11:41:10 3 motion -- I do. I like to write. It's -- I think this
11:41:14 4 is -- these are all things that the Court can
11:41:17 5 practically resolve through the trial process, the
11:41:23 6 hearing right? I mean, *Daubert*. Say it doesn't work at
11:41:27 7 that because it's not covered by the water. Then save
11:41:29 8 it for Phase II or the general causation, specific
11:41:32 9 causation. However the judges want to handle that
11:41:36 10 phase. Right? Because we don't know yet how that's
11:41:38 11 going to work out. I think it might be that they
11:41:41 12 reassign cases to a judge. I don't know how that judge
11:41:45 13 wants to handle that. But practically, while I like to
11:41:49 14 write and brief, I think it's something that can be
11:41:52 15 done --

11:41:53 16 THE COURT: What do you think?

11:41:53 17 MR. BAIN: Well, I think it would save the
11:41:55 18 parties some resources. Expert witnesses are very
11:41:57 19 expensive and if we're going down this vapor
11:42:00 20 intrusion/emissions path, then we're going to have to
11:42:03 21 get an expert to address that and analyze whatever the
11:42:08 22 plaintiffs provide.

11:42:09 23 THE COURT: Okay. All right.

11:42:10 24 MR. FLYNN: Your Honor, at this point,
11:42:11 25 expert costs -- I mean, we're all deep in it. You know,

11:42:15 1 I think it's just -- let's let the courts do it.

11:42:19 2 THE COURT: All right. The next thing I
11:42:20 3 want to talk about was what you've alluded to a little
11:42:25 4 bit, Mr. Flynn, the framework for the leukemia and
11:42:29 5 non-Hodgkin's lymphoma trials. In the status report,
11:42:36 6 there are three subgroups. I understand the request to
11:42:41 7 have the same judge preside over these. What I'm
11:42:44 8 getting at is the subgrouping. You've got one subgroup,
11:42:50 9 the acute myeloid and lymphocytic leukemias. That's
11:42:57 10 *Amsler* and *Connard*. Chronic lymphocytic leukemia.
11:43:01 11 That's *Fiolek*, *Gleesing*, and *Hill*. And then the diffuse
11:43:06 12 B-cell. You've got *Keller*, *Kidd*, *Vidana*, *Carter*, and
11:43:09 13 *Davis*. Are these three trials?

11:43:13 14 MR. BELL: Yes, Your Honor.

11:43:13 15 MR. BAIN: Yes, Your Honor. We've agreed to
11:43:16 16 separate these because they have similarities to them
11:43:19 17 and that they should be tried in these groupings
11:43:25 18 separately.

11:43:25 19 THE COURT: Do you envision all of the
11:43:28 20 experts being the same?

11:43:29 21 MR. BAIN: There will be some overlapping
11:43:30 22 experts, but I believe that -- because of the
11:43:34 23 differences in these diseases, the issue was that the
11:43:38 24 classifications of non-Hodgkin's lymphoma has been --
11:43:42 25 and leukemias have been changing so much, so they're not

11:43:47 1 necessarily distinct groups. So we had to group some of
11:43:50 2 them together. And they make more sense to be grouped
11:43:53 3 in this way because there's some similarities between
11:43:55 4 the diseases --

11:43:56 5 THE COURT: What are those? What are those
11:43:57 6 similarities?

11:43:58 7 MR. BAIN: Well, that might be a little bit
11:44:00 8 beyond my knowledge. I know that from Plaintiffs'
11:44:03 9 Leadership Group -- I think Robin Greenwald is on the
11:44:06 10 phone, and I think she knows --

11:44:07 11 THE COURT: We don't need to do a deep dive
11:44:11 12 but I am curious.

11:44:12 13 MS. GREENWALD: I am, Your Honor. So this
11:44:13 14 is Robin Greenwald.

11:44:15 15 So the chronic lymphocytic leukemia is what
11:44:19 16 they call an indolent form of non-Hodgkin's lymphoma.
11:44:21 17 Which means it's a low-grade, non-Hodgkin's lymphoma.
11:44:23 18 But it's incurable. It stays in your body for your
11:44:26 19 whole life. And then the leukemias are separate.
11:44:30 20 That's a different type of blood cancer. It used to be
11:44:32 21 that CLL was a leukemia, which is why it's called
11:44:37 22 leukemia. But as Mr. Bain just said, they have
11:44:39 23 reclassified it as a lymphoma. So that's why it's that
11:44:43 24 gray area, and that's why it was part of our five
11:44:46 25 leukemias. Because it's -- historically was considered

11:44:49 1 a leukemia but not a non-Hodgkin's lymphoma. And then
11:44:51 2 the five that are together are all more aggressive forms
11:44:56 3 of non-Hodgkin's lymphoma. They're not -- they're not
11:44:59 4 slow growing; they're faster growing. And they are --
11:45:02 5 they're all B-cell. So they all originate in the B-cell
11:45:07 6 of the body and not the T-cell. And that's why we put
11:45:09 7 them together, because the science of B-cell lymphoma is
11:45:13 8 very similar. And so the general causation experts and
11:45:15 9 even the specific causation experts will be focusing on
11:45:18 10 the B-cell in the body and the more aggressive form of
11:45:21 11 non-Hodgkin's lymphoma, B-cell lymphoma. I hope that
11:45:25 12 helps.

11:45:25 13 THE COURT: It does.

11:45:27 14 MS. GREENWALD: I can answer other
11:45:28 15 questions. I can try.

11:45:29 16 THE COURT: No. Thank you. Thank you.

11:45:32 17 MS. GREENWALD: Of course.

11:45:52 18 THE COURT: Okay. Moving on. Reliance
11:45:56 19 documents referred to in the status report. What's the
11:45:59 20 update on exchanging those?

11:46:01 21 MR. BAIN: Your Honor, I think we're in
11:46:03 22 agreement in principle that reliance files will be
11:46:07 23 produced in a certain way. We have proposed a draft
11:46:11 24 stipulation to become a court order to the plaintiffs.
11:46:13 25 I believe the plaintiffs are reviewing it right now. I

11:46:16 1 think it memorializes pretty closely where we are as far
11:46:20 2 as an agreement on that. And I think we should be able
11:46:23 3 to file something before the next status conference.

11:46:25 4 THE COURT: All right. Mr. Bell.

11:46:26 5 MR. BELL: I agree with that, Your Honor.

11:46:28 6 THE COURT: Okay. I'm sorry, back to the
11:46:29 7 leukemias. Other than what's in the status report, do
11:46:34 8 the parties anticipate submitting a joint proposal
11:46:39 9 regarding what's in that status report?

11:46:43 10 MR. BELL: Your Honor, I think that's a good
11:46:45 11 question because we are looking for some guidance from
11:46:48 12 the Court. The other three diseases -- Parkinson's,
11:46:52 13 bladder cancer, and kidney cancer -- can also be grouped
11:46:55 14 in certain groupings, if that's something the Court
11:46:58 15 would like for us to endeavor to do.

11:47:01 16 THE COURT: Okay.

11:47:03 17 MR. BELL: So we would be glad to go through
11:47:07 18 that process and see if we can reach an agreement on
11:47:09 19 that. And if we can, it will be a little bit longer
11:47:15 20 trials, but it would actually save time and money for
11:47:17 21 everybody. So we just need some guidance. If you would
11:47:21 22 like to have a joint proposal, we will be glad to put
11:47:24 23 one together.

11:47:25 24 THE COURT: Okay.

11:47:27 25 MR. BAIN: Your Honor, are you suggesting

11:47:29 1 that we submit a joint proposal for the Court to issue?

11:47:31 2 THE COURT: I was just wondering what you
11:47:33 3 had in mind. Whether you anticipate at this point of
11:47:38 4 submitting something.

11:47:40 5 MR. BAIN: I think we would anticipate
11:47:41 6 submitting a joint proposal that the Court could issue.

11:47:44 7 THE COURT: On the leukemias?

11:47:46 8 MR. BAIN: Yes, at least. And then I
11:47:48 9 could -- we could talk with Mr. Bell about the other
11:47:50 10 diseases as well, see if we can include something
11:47:54 11 regarding those.

11:47:54 12 MR. BELL: The only drawback to the timing,
11:47:56 13 Your Honor, is as I remember reading in the CMOs, these
11:48:01 14 cases eventually -- or maybe you had made the comment.
11:48:03 15 These cases eventually will be assigned by disease to a
11:48:07 16 judge. Are we okay in deciding what that judge wants to
11:48:14 17 do in advance of the assignment? Or do we want to wait
11:48:16 18 on that?

11:48:16 19 THE COURT: Why don't you just stay tuned
11:48:18 20 and --

11:48:18 21 MR. BELL: Yes, Your Honor.

11:48:19 22 THE COURT: -- and we'll give some
11:48:20 23 direction.

11:48:20 24 MR. BELL: All right, sir.

11:48:22 25 And the same question, Your Honor, on the

11:48:24 1 other diseases. If the Court would like us to make a
11:48:28 2 suggestion of how that might could be done, we'll be
11:48:30 3 glad to endeavor to put something together.

11:48:32 4 THE COURT: All right. Chain of custody
11:48:37 5 issues on documents, what's in the depository. What's
11:48:41 6 the status there?

11:48:44 7 MR. ANTONUCCI: Yes, Your Honor. The United
11:48:47 8 States has conducted an initial inspection of the PLG's
11:48:52 9 document depository. We've raised some concern with the
11:48:55 10 chain of custody forms that are required by the order
11:48:59 11 establishing the depository with the plaintiffs, and we
11:49:02 12 continue to meet and confer on this issue and hope to
11:49:04 13 resolve it without further Court intervention.

11:49:07 14 THE COURT: Okay. All right.
11:49:10 15 Okay. Anything else?

11:49:13 16 MR. BAIN: Nothing further, Your Honor.

11:49:15 17 THE COURT: Mr. Bell?

11:49:16 18 MR. BELL: No, Your Honor. I guess the next
11:49:20 19 status conference will be our next question.

11:49:24 20 THE COURT: I think I've got it tentatively
11:49:26 21 set for November the 5th. That's a Tuesday.

11:49:34 22 MR. BAIN: That is election day, Your Honor.

11:49:36 23 THE COURT: Oh, it is? You can be misled if
11:49:43 24 you just have a television on when that date is.

11:49:47 25 MR. BELL: That's election day or

11:49:49 1 insurrection day.

11:49:50 2 THE COURT: Wednesday, the 6th? Friday, the
11:49:54 3 8th?

11:49:55 4 MR. BELL: Maybe -- may I suggest that the
11:49:58 5 next -- unless it's something that is pushing, that
11:50:03 6 maybe the next one could be a virtual call?

11:50:10 7 THE COURT: Possibly.

11:50:15 8 MR. BELL: But any date is okay with us.

11:50:17 9 THE COURT: The 6th or the 8th?

11:50:19 10 MR. BAIN: Either one of those is fine, Your
11:50:21 11 Honor.

11:50:21 12 THE COURT: Do you want to set it for the
11:50:23 13 6th, 11:00, and we'll explore virtual -- doing it
11:50:29 14 virtually?

11:50:30 15 All right. We'll set it for Wednesday, the
11:50:36 16 6th of November.

11:50:37 17 MR. BELL: And if something comes up, Your
11:50:40 18 Honor, that needs a little bit more attention, then --
11:50:43 19 but right now we're getting to the end of a lot of the
11:50:46 20 issues. But I think we're working on our expert
11:50:50 21 reports, things like that.

11:50:51 22 THE COURT: Yes, sir. All right. Very
11:50:52 23 good. Thank you so much.

11:50:55 24 (The proceedings concluded at 11:50 a.m.)

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2 UNITED STATES DISTRICT COURT
3 EASTERN DISTRICT OF NORTH CAROLINA
4

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6 CERTIFICATE OF OFFICIAL REPORTER
7

8 I, Jennifer C. Carroll, RMR, CRR, CRC,
9 Federal Official Court Reporter, in and for the United
10 States District Court for the Eastern District of North
11 Carolina, do hereby certify that pursuant to Section
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20 Dated this 24th day of October, 2024.
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