

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
SOUTHERN DIVISION  
No. 7:23-CV-897**

**IN RE:** )  
**CAMP LEJEUNE WATER LITIGATION** )  
 ) **UNITED STATES’ MOTION TO**  
 ) **STRIKE JURY TRIAL DEMAND**  
This Document Relates To: )  
ALL CASES )  
 )

Pursuant to Federal Rule of Civil Procedure 39(a)(2), Defendant United States of America moves to strike the jury trial demand in Plaintiffs’ Master Complaint [Dkt. 25]. “[A] plaintiff in an action against the United States has a right to trial by jury only where Congress has affirmatively and unambiguously granted that right by statute.” *Lehman v. Nakshian*, 453 U.S. 156, 168 (1981). The Camp Lejeune Justice Act of 2022 (“CLJA”), Pub. L. No. 117-168, § 804, 136 Stat. 1802, 1802-04 (2022), which simply provides for “appropriate relief” and states that “[n]othing in this subsection shall impair the right of any party to a trial by jury,” *id.* § 804(d), fails to affirmatively and unambiguously grant a right to a jury trial against the United States. Accordingly, the CLJA does not permit jury trials against the United States, and the Court should strike the jury trial demand in Plaintiffs’ Master Complaint.

In support of this Motion to Strike, the United States submits and relies upon its accompanying Memorandum in Support.

Dated: November 20, 2023

Respectfully Submitted

BRIAN M. BOYNTON  
Principal Deputy Assistant Attorney General  
Civil Division

J. PATRICK GLYNN  
Director, Torts Branch  
Environmental Torts Litigation Section

BRIDGET BAILEY LIPSCOMB  
Assistant Director  
Environmental Torts Litigation Section

ADAM BAIN  
Senior Trial Counsel  
Environmental Torts Litigation Section

NATHAN BU  
Trial Attorney  
Environmental Torts Litigation Section

/s/ Haroon Anwar  
HAROON ANWAR  
Trial Attorney, Torts Branch  
Environmental Torts Litigation Section  
Civil Division, Torts Branch  
U.S. Department of Justice  
P. O. Box 340  
Washington, D.C. 20044  
E-mail: haroon.anwar@usdoj.gov  
Telephone: (202) 598-3946

**CERTIFICATE OF SERVICE**

I hereby certify that on November 20, 2023, a copy of the foregoing document was served on all counsel of record by operation of the court's electronic filing system and can be accessed through that system.

/s/ Haroon Anwar  
HAROON ANWAR