

**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

This Document Relates To:  
ALL CASES

**MOTION FOR LEAVE TO FILE NON-LEADERSHIP PLAINTIFFS' BRIEF IN  
OPPOSITION TO LEADERSHIP PLAINTIFFS' MOTION TO ENFORCE CASE  
MANAGEMENT ORDER NO. 2**

COMES NOW, the undersigned counsel, and seeks leave to file a response in opposition to Plaintiff Leadership Group's Motion to Enforce CMO-2 (the "Motion").

First, the Plaintiff Leadership Group's ("PLG") Motion is expressly directed at both the undersigned counsel and 17 individual plaintiffs represented by the undersigned counsel's law firm. For that reason, the Motion "uniquely affects" individual plaintiffs represented by the undersigned as contemplated by CMO-2, and the undersigned respectfully believes he should be permitted to respond.

Second, the Motion publicly attacks the character of the undersigned counsel and has the potential to damage the reputation of the undersigned counsel's law firm. Before the Motion was filed, the undersigned attempted to reach out to the PLG on multiple occasions to resolve this interpersonal dispute privately and without involving the Court. Unfortunately, the PLG decided to turn this interpersonal dispute public, leaving the undersigned no choice but to respond.

Third, the PLG's slanderous Motion refers to the undersigned counsel as "uncivil," "discourteous," and "destabilizing" without telling the full story of what occurred or providing the necessary context. For instance, the Motion includes only select portions of emails between the

PLG and the undersigned, while omitting other portions of the same email chains. The response in opposition to the PLG's motion attaches the full email chains for additional context on the subject matter of the Motion.

Finally, the Motion is being discussed publicly on the internet<sup>1</sup> and questions have been raised by the undersigned's clients expressing concern as to whether the undersigned counsel or his law firm will be "blackballed" by the PLG from participating in the litigation or bellwether trial process. Responding to the Motion is not only necessary to counter the PLG's public attack, but also to provide assurance to the hundreds of plaintiffs represented by the undersigned's law firm about their lawyer's true character and reputation.

For these reasons, the undersigned respectfully requests leave from this Honorable Court to file the undersigned's response to the PLG's Motion to Enforce on the Master Docket. The response and the accompanying exhibits were previously filed as DE 80 and will not be refiled unless requested by the Court. A proposed order for the Court's review and consideration is included with this filing.

This 19th day of December, 2023.

Respectfully submitted,

*/s/ James Z. Foster*

James Z. Foster

NC Bar No. 60197

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*Counsel for Non-Leadership Plaintiffs*

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<sup>1</sup> See e.g., Camp Lejeune Lawsuit News and Updates, <https://www.lawsuit-information-center.com/camp-lejeune-water-lawsuit.html> (last accessed on December 19, 2023).

**CERTIFICATE OF SERVICE**

I, James Z. Foster, hereby certify that the foregoing document was electronically filed on the Court's CM/ECF system on this date, and that all counsel of record will be served with notice of the said filing via the CM/ECF system.

This 19th day of December, 2023.

*/s/ James Z. Foster*

James Z. Foster

North Carolina Bar No. 60197