

Exhibit D

Plaintiffs' Leadership Group's First Set of Requests for Production to Defendant
United States of America Concerning Track 1 Discovery Pool Plaintiffs

**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 TRACK 1 DISCOVERY POOL)
CASES)

**PLAINTIFFS’ LEADERSHIP GROUP’S FIRST SET OF REQUESTS FOR
PRODUCTION TO DEFENDANT UNITED STATES OF AMERICAN CONCERNING
TRACK 1 DISCOVERY POOL PLAINTIFFS**

Pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure, Plaintiffs’ Leadership Group (“PLG”) hereby serves on Defendant United States of America (“Defendant”) the following document production requests (the “Discovery Requests”).

These Discovery Requests should be deemed to be separately served as to each of the 100 plaintiffs who are identified as Track 1 Discovery Pool Plaintiffs. *See* Docs. 69, 75.¹ For clarity, the PLG requests a separate response from Defendant concerning each of the Track 1 Discovery Pool Plaintiffs.

Defendant’s individualized written responses and responsive document production should clearly identify the pertinent Track 1 Discovery Pool Plaintiff for whom the responses are directed and be produced in accordance with CMO No. 8.

¹ The present Discovery Requests are served without prejudice to Plaintiffs’ contention that Defendant has listed for the Track 1 Discovery Pool certain plaintiffs who were ineligible for selection as Track 1 Plaintiffs. Doc. 78. In the event that certain of Defendant’s Track 1 Discovery Pool selections are stricken, these Discovery Requests shall be deemed as having been served concerning the replacement selection.

DEFINITIONS AND INSTRUCTIONS

1. “Concerning” means referring to, describing, evidencing, or constituting.
2. “Document” carries its broadest meaning consistent with Fed. R. Civ. P. 26 and 34, and includes ESI, paper documents, imaged hard copy documents, and tangible things.
3. “Electronically stored information” (“ESI”) shall carry its broadest possible meaning consistent with Fed. R. Civ. P. 26 and 34. ESI also includes relevant, proportional, evidentiary metadata. ESI excludes information in paper form or that originated in paper form and was scanned to digital form (also known as “imaged hard copy documents”).
4. “Identify” as to humans means to provide the name, address, phone number, email address, occupation, employer, and any other pertinent information that would assist in locating an individual to inquire as to their knowledge. “Identify” as to documents—including videos, audio recordings, transcripts or any other recording medium—means to provide the name of the document, title, date, author, location, page number and any other available information that will assist in locating the document.
5. Please note that the term “Plaintiff” as used in these Discovery Requests refers to the individual defined as “Plaintiff” on page 2 of the Short Form Complaint.
6. “Relevant” or “potentially relevant ESI” means any ESI concerning any claim or defense at issue in this case, or any matter relating thereto.
7. The term “Service Member” is intended to reference the Plaintiff in the case of Plaintiffs who were service members at Camp Lejeune, the Plaintiff’s spouse in the case of Plaintiffs who were spouses of military service members at Camp Lejeune, and the Plaintiff’s parent for “in utero” exposure cases, if any.
8. “Short Form Complaint” refers to each respective Track 1 Discovery Pool

Plaintiff's short form complaint filed in each such plaintiff's respective individual case docket.

9. Individual written responses and responsive documents for each Track 1 Discovery Pool Plaintiff should clearly identify the Track 1 Discovery Pool Plaintiff with regard to whom the Defendant is responding.

10. Pursuant to Fed. R. Civ. P. 26(b)(5), for each document within the scope of this request that you refuse to produce on the basis of a claim of privilege, please identify the date; author; addressee; person(s) receiving copies; type of document; title if any; description of the subject matter; number of pages; and specific privilege(s) claimed.

REQUESTS FOR PRODUCTION

1. All documents, ESI and things in your possession, custody, or control that are identified in or relied upon to formulate Defendant's responses to the Plaintiffs' First Set of Interrogatories Concerning Track 1 Discovery Pool Plaintiffs, served herewith.

RESPONSE:

2. To the extent not previously produced in response to Plaintiffs' prior requests for production served herein, please produce any documents in Defendant's possession, custody, or control concerning any allegation in the Track 1 Plaintiff's Short Form Complaint or any defense Defendant will use during the trial of Plaintiff's individual action.

RESPONSE:

3. To the extent not previously produced in response to Plaintiffs' prior requests for production served herein, please produce all documents in Defendant's possession, custody, or

control that Defendant contends support that the injuries, physical symptoms, or damages alleged in the Complaint to have occurred to the Plaintiff were not caused by exposure to contaminated water at Camp Lejeune.

RESPONSE:

4. To the extent not previously produced in response to Plaintiffs' prior requests for production served herein, please produce all documents in Defendant's possession, custody, or control that Defendant contends tend to deny, refute or disprove that Plaintiff was exposed to contaminated water at Camp Lejeune that proximately caused the illnesses or conditions alleged at Short Form Complaint ¶ 19.

RESPONSE:

5. To the extent not previously produced in response to Plaintiffs' prior requests for production served herein, please produce all documents in Defendant's possession, custody, or control referring or relating to any claim of subrogation or lien by any third party on any expenses paid on behalf of Plaintiff as the result of injuries, physical symptoms, or damages alleged in the Short Form Complaint.

RESPONSE:

6. To the extent not previously produced in response to Plaintiffs' prior requests for production served herein, please produce all documents in Defendant's possession, custody, or control pertaining to benefits, awards, or payments related to the alleged injury or injuries (see Short Form Complaint ¶ 19), with regard to the applicable Track 1 Discovery Pool Plaintiff or

Decedent, including but not limited to:

- a. Veterans Administration records pertaining to the Plaintiff or Plaintiff's decedent, including any documents connected to a service-connected disability rating and any benefits or payments related to any such alleged injury or injuries.
- b. Records of workers' compensation, unemployment insurance, disability awards, payments, benefits, welfare and other assistance from any governmental agency, public or private sector employer or union reflecting the employment or earnings of the Plaintiff or Plaintiff's decedent.
- c. Records of any other disability award, Medicare or Medicaid payment, or other benefits provided to the Plaintiff and/or decedent and/or his/her legal representative.

RESPONSE:

Respectfully submitted this 22nd day of December, 2023.

/s/ J. Edward Bell, III

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CERTIFICATE OF SERVICE

This is to certify that on the below-indicated date, I served a copy of the foregoing document upon counsel for the Defendant by electronic mail at the following electronic mail address: adam.bain@usdoj.gov.

/s/ J. Edward Bell, III _____

J. Edward Bell, III

Lead Counsel for Plaintiffs

Date: December 22, 2023