

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

IN RE:)	
CAMP LEJEUNE WATER LITIGATION)	
)	JOINT MOTION FOR ENTRY OF
)	TRIAL ORDER CONFIRMING THE
)	25 TRACK 1 TRIAL PLAINTIFFS
This Document Relates To:)	
ALL CASES)	

The Plaintiffs’ Leadership Group (the “PLG”) and Defendant United States (together the “Parties”) jointly file this motion for entry of the proposed Trial Order Confirming the 25 Track 1 Trial Plaintiffs. The Court’s Order Regarding Track 1 Trial Plaintiff Selection Protocol (Case Management Order No. 12) provides that after the Parties propose Track 1 Trial Plaintiffs and the PLG secures from those plaintiffs waivers of rights to allege that any illnesses or injuries other than Track 1 Illnesses (and those injuries or conditions stemming from a Track 1 Illness or its treatment) were caused by the water at Camp Lejeune, the Court will enter a “Trial Order confirming the 25 Track 1 Trial Plaintiffs.” *See* D.E 232 at 3. Case Management Order No. 12 also provides “that fact discovery for the Track 1 Trial Plaintiffs, including general discovery, shall conclude 45 days after the PLG obtains the necessary waivers for every selected Track 1 Trial Plaintiff. *Id.* at 2. It further provides that upon entry of such an order, “discovery and all deadlines for Track 1 Discovery Pool Plaintiffs not selected as one of the Track 1 Trial Plaintiffs will be stayed[.]” *Id.* at 3.

The Parties have proposed Track 1 Trial Plaintiffs and the PLG have secured necessary waivers. Therefore, the Parties jointly ask the Court to enter the proposed Trial Order Confirming the 25 Track 1 Trial Plaintiffs which (1) stays the cases of Track 1 Discovery Pool

Plaintiffs that were not selected for trial, (2) confirms the date when fact discovery closes for the selected plaintiffs, and (3) provides for selected plaintiffs to memorialize their claim waivers by amending their short-form complaints to remove waived allegations.

DATED this 28th day of June 2024.

Respectfully submitted,

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Terry F. Dyer v. USA	Case No. 7:23-cv-00357-D
Mark A. Cagiano v. USA	Case No. 7:23-cv-00569-BO
Jimmy Laramore v. United States	Case No. 7:23-cv-00594-FL
Edward Raymond v. United States	Case No. 7:23-cv-00546-BO

Kidney Cancer

Frank Mousser v. USA	Case No. 7:23-cv-00667-D
Allan W. Howard v. USA	Case No. 7:23-cv-00490-FL
David W. Fancher v. USA	Case No. 7:23-cv-00275-M
David Downs v. United States	Case No. 7:23-cv-01145-FL
Jacqueline Tukes v. United States	Case No. 7:23-cv-01553-BO

Leukemia

Joseph M. Gleesing v. USA	Case No. 7:23-cv-01486-FL
Vivian Connard, Representative of Stephen Matthew Connard v. USA	Case No. 7:23-cv-01557-M
Bruce W. Hill v. USA	Case No. 7:23-cv-00028-M
Robert Fiolek v. United States	Case No. 7:23-cv-00062-BO
Karen Marie Amsler v. United States	Case No. 7:23-cv-00284-BO

Non-Hodgkin's Lymphoma

Frances Carter as Personal Representative of the Estate of Ronald Carter v. USA	Case No. 7:23-cv-01565-M
Robert A. Kidd v. USA	Case No. 7:23-cv-01489-FL
Cometto Davis v. USA	Case No. 7:23-cv-00043-BO

Jose Vidana v. United States	Case No. 7:23-cv-01575-M
Scott Keller v. United States	Case No. 7:23-cv-01501-FL

Parkinson's Disease

Edgar Allen Peterson, IV v. USA	Case No. 7:23-cv-01576-M
Gary McElhiney v. USA	Case No. 7:23-cv-01368-BO
Diane Rothchild v. USA	Case No. 7:23-cv-00858-D
Robert Welch v. United States	Case No. 7:23-cv-01503-FL
Richard Sparks v. United States	Case No. 7:23-cv-00682-M

IT IS FURTHER ORDERED that within 10 days of the entry of this Order, all Track 1 Trial Plaintiffs shall amend their Short Form Complaints to remove waived allegations that any illnesses or injuries besides Track 1 Illnesses (and those injuries or conditions stemming from a Track 1 Illness or its treatment) were caused by the water at Camp Lejeune.

IT IS FURTHER ORDERED that fact discovery for the Track 1 Trial Plaintiffs, including general discovery, shall conclude on August 11, 2024.

IT IS FURTHER ORDERED that discovery and all deadlines for Track 1 Discovery Pool Plaintiffs not selected as one of the Track 1 Trial Plaintiffs are STAYED.

SO ORDERED this ____ day of _____, 2024.

RICHARD E. MYERS II
Chief United States District Judge

TERRENCE W. BOYLE
United States District Judge

LOUISE W. FLANAGAN
United States District Judge

JAMES C. DEVER III
United States District Judge