

# Exhibit 5



**U.S. Department of Justice**  
Civil Division, Torts Branch  
Environmental Torts

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Sara J. Mirsky  
Email: sara.j.mirsky@usdoj.gov

**VIA EMAIL**

February 9, 2024

Lead Counsel for Plaintiffs  
& Co-Lead Counsel for Plaintiffs

**Re: *Camp Lejeune Water Litigation – United States’ Production of Documents***

Counsel:

As stated in my January 30 email, the United States is committed to producing ATSDR’s “project files” as efficiently as possible while complying with the ESI Protocol (CMO No. 8). To that end, accompanying this letter is the first production from the ATSDR “water modeling” project files, consisting of documents bates stamped CLJA\_WATERMODELING-000000001-117.

As previously relayed, this and other water modeling project file productions are being designated as confidential and produced under the strongest protections possible under the Protective Order. This is particularly important for any data or information related to well locations or other water sources, which implicate national security concerns. The United States expects that Plaintiffs will not permit the release of any of these materials to non-parties, and that those individuals to whom Plaintiffs provide this information will understand the confidential nature of these documents and sign the Protective Order before viewing any of the produced materials. The United States will seek immediate Court intervention should any inappropriate release of project file materials occur. The United States is also maintaining all possible privileges over the documents that will be produced as part of the project files, and reserves its right to clawback any documents following production. Plaintiffs will also be expected to conform to their obligations under CMO No. 5 for all project file documents, including notifying the United States immediately upon the identification of any privileged document.

In the interest of transparency, we are also producing a .csv file named “TreeSize\_EDRP02,” which reflects the file contents of the parent-level folder being produced today (“the tree report”). For each file, the tree report includes the full file path, the file name, the file extension (ie, .pdf, .doc, etc.), the creation date/time, the last modified date/time, and the size of the file (called “length” in the tree report). In compliance with the ESI Protocol, the metadata in the tree report is also included in the .dat file. We are producing the tree report solely for your convenience and will continue to produce similar reports for all future water modeling productions.

The United States will continue to produce water modeling project files on a rolling basis, with additional documents slated to be produced next week.

Please let us know if you have any questions or would like to discuss further.

Best Regards,

/s/ Sara J. Mirsky

Sara J. Mirsky

Trial Attorney

U.S. Department of Justice

Civil Division, Torts Branch

Enclosures: As Stated

cc: Counsel of Record in *Camp Lejeune Water Litigation*