Exhibit 9

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	)

DECLARATION OF JOSHUA WOOD

1. I, Joshua Wood, make the following declaration in lieu of an affidavit as permitted by 28 U.S.C. § 1746. I am aware that this declaration will be filed with the United States District Court for the Eastern District of North Carolina, and that it is the legal equivalent of a statement under oath.

2. I am Chief of the Office of Litigation Support ("OLS"), Office Management Programs, Civil Division, United States Department of Justice. OLS provides technical support to case teams from all the litigating offices within the Civil Division, including the Environmental Torts Litigation ("ETL") office.

3. I have 29 years of litigation support experience, including experience providing litigation support to some of the largest civil litigation that the Department of Justice has handled over the past 20 years. I have held my current position for five months. Previously, I was the Director of OLS for a little over 11 years. Prior to that I was Chief of Information Technology for OLS for five years. I have worked on Native American trust account

litigation, complex tobacco litigation, Hurricane Katrina litigation, Deepwater Horizon litigation, and Residential Backed Mortgage Securities litigation, as well as tens of thousands of other litigations involving the Civil Division and Federal government agencies. I have significant knowledge and experience with Federal agencies' capabilities to respond to litigation, and the role that Congressional appropriations play into that response. Litigation response involving Federal agencies differs from corporate litigation due to funding considerations and constraints.

4. In my current role as Chief of OLS, I manage staff that provides litigation support to the Civil Division, and act as a liaison with agency staff regarding an agency's preparation for litigation as well as its management of existing litigation requirements. I have 10 Government staff who oversee the management of the litigation support contract for the Civil Division, known as MEGA 5, which supplies litigation contractor support services to the Civil Division, as well as other parts of the United States Government at large. My staff oversee all cases that require e-discovery work. This work can take many forms, from data processing all the way through full case support with paralegals, law clerks, e-discovery experts, and presentation specialists for court hearings and trials.

5. My office also oversees an ArcGIS instance at the Civil Division for use in our cases. This instance has been in place for several years.

6. In the course of carrying out these duties, I am involved in and oversee the ongoing technical support for ETL's Camp Lejeune Justice Act ("CLJA") case team. This declaration explains the process to collect, process, search, review, and produce the water modeling project files from the Agency for Toxic Substances and Disease Registry ("ATSDR") (an operative division of the Department of Health and Human Services).

I. E-DISCOVERY OVERVIEW

7. OLS follows industry-standard e-discovery practices. E-discovery is commonly conceptualized using a framework called the Electronic Discovery Model ("EDRM"). More information on the EDRM is available online.[1]

8. E-discovery under the EDRM proceeds in several phases: (1) Identification; (2) Preservation; (3) Collection; (4) Processing; (5) Review; (6) Analysis; (7) Production; and (8) Presentation. The EDRM framework is complemented by other e-discovery authorities, most notably including The Sedona Conference's various publications. More information about The Sedona Conference is available online.[2]

9. While OLS can and does advise on each of these phases, most of our work focuses on ensuring complete and usable collection; processing data using specialized technical tools; supporting case teams' review and analysis (which can include leveraging search tools); and production of data to opposing parties in accordance with industry standards and any applicable production specifications.

10. Production specifications describe the form of production that parties will use to exchange documents and data during litigation. Generally speaking, production specifications encompass both the file format (i.e. imaged format, extracted text, extracted metadata, and native files exempted from imaging/text extraction based on file type) as well as the media on which documents are produced (electronically or in paper). *See* The Sedona Conference Glossary, 5th Ed., at p. 313.

11. In this litigation, the production specifications are governed by the ESI Protocol [D.E. 52] and the specifications contained in the Appendix [D.E. 52-1]. Those specifications require that

[1] *See* https://edrm.net/edrm-model/current/.
[2] *See* https://thesedonaconference.org/.

the Civil Division produce all ESI as TIFF images accompanied by both an image cross reference file, a Concordance load file[3] format with specified metadata and extracted text. [D.E. 52-1 at Paragraph 2.]

12. The specifications further provide that certain kinds of data, such as spreadsheets and presentation files, will be produced natively and endorsed with a unique Bates number while preserving metadata. [D.E. 52-1 at Paragraph 15.] Native production is required because such files typically do not convert well to static images and because file functionality (such as formulas, sorting, and filtering functions) can be lost during the conversion process. The specifications in this case further provide that native files be produced with extracted metadata fields and a placeholder image to ensure that native files are tracked and searchable during review and production, along with a reference to the native file path and a NATIVELINK metadata field. [D.E. 52-1 at Paragraphs 15-16.]

13. The specifications also state that GIS data specifically should be produced in native format in a way that allows the data to be "reasonably understood" and "functionally usable." [D.E. 52-1 at Paragraph 15.]

14. Taken together, the specifications in this litigation require that all data—even that produced natively—be processed to load-ready format for production in order to facilitate Bates numbering, confidentiality and other endorsements, searching, and tracking.

II. ATSDR'S WATER MODELING PROJECT FILES

15. Federal agencies are generally responsible for collecting their own data for use in

[3] A load file is "a file that relates to a set of scanned images or electronically processed files, and that indicates where individual pages or files belong together as documents, to include attachments, and where each document begins and ends. A load file may also contain data relevant to the individual documents, such as selected metadata, coded data, and extracted text. Load files should be obtained and provided in prearranged or standardized formats to ensure transfer of accurate and usable images and data." Sedona Conference Glossary, 5th Ed., at p.332.

litigation. The tools and methods these agencies use to complete such collections varies significantly depending on the agency.

16. Here, ATSDR collected the water modeling project files and transmitted them to OLS for further processing and review.

17. OLS received 1.33TB (1,362 GB) from ATSDR, representing the entirety of the water modeling project files. These files were arranged in eight top-level folders.

18. Each of these top-level folders has numerous—in some instances, thousands—of subfolders that in turn contain additional folders and files. The original ATSDR file structure is reflected in the "file tree size reports" that ATSDR provided. Each top-level folder's "file tree size report" is being produced to Plaintiffs with each corresponding production.

19. The types of data within the water modeling project files vary greatly. For example, in folder EDRP04, which was produced to Plaintiffs on February 26, 2024, with a total size of 171.7 GB and folder EDRP05, which was produced to Plaintiffs on March 1, 2024, with a total size of 269.5 GB, there are:

a. 90,538 total files with 341 unique file extensions.

b. Notably, many of these unique file extensions represent highly technical or "exotic" types of scientific data that are not necessarily amenable to traditional ESI processing and production methods. A small portion of these unique data extensions are related to GIS modeling, as discussed below.

c. These folders also contain a substantial amount of more standard ESI, including 34,478 .pdf files, 5,053 Word files, 19 PowerPoint files, and 7,900 Excel files.

20. I have consulted with our ArcGIS administrator and with the data processing team

overseeing the processing of the water modeling data. We initiated a search for ArcGIS project files[4] across the processed EDRP04 and EDRP05 water modeling production .dat files. In under 45 minutes, we located 5,912 ArcGIS-related files and 19 readily identifiable geodatabase folders. The 19 geodatabase folders were only located in EDRP05.

21. Because of the volume of data at issue in the water modeling project files and because of the varying kinds of data within this volume, segregating all technical data prior to processing and production requires a largely manual and time-consuming process. By processing the ATSDR water modeling files and loading them to a review platform—Relativity—searching and filtering tools can be leveraged to more readily identify where such data is likely to exist. Alternatively, importing the processed .dat files into Excel will also allow for the easy identification of modeling files and respective folders.

22. Importantly, the reverse is true as well: data that is amenable to standard processing, such as Word and PDF documents, can be more quickly isolated for review without manually examining each of hundreds or thousands of subfolders. Thus, proceeding in this manner also allows for certain files or folders to be more easily identified and/or prioritized for production.

23. OLS is undertaking processing of the water modeling files to facilitate the review and identification of both technical data and more traditional data types to permit streamlined review.

III. FORM OF PRODUCTION

24. OLS makes its productions in compliance with industry standards and adheres to any discovery orders or protocols present in an individual case. As discussed above, the Stipulated ESI Protocol [D.E. 52] and its Appendix [D.E. 52-1] set forth the relevant production

[4] These file extensions include: atx, freelist, gdbindexes, gdbtable, gdbtablex, and spx.

standards for OLS to follow.

25. Under these standards, OLS is producing the ATSDR water modeling files in compliance with the agreed-upon specifications, i.e. in load-ready format, which includes a database file, image files, extracted text files, and, where applicable, native files.

26. To date, the Government has produced four of the eight top-level folders to Plaintiffs in compliance with the agreed-upon specifications. As outlined in Paragraph 19(b) above, most of these productions contain at least some technical data.

27. To my knowledge, Plaintiffs have not identified any specific technical deficiencies with any of the Government's water modeling project file productions to date.

28. Once the technical data is identified for native production, whether via agreement or searching/filtering, OLS will reproduce any specified subfolders or files in fully native form as provided in the production specifications.

I declare under penalty of perjury that the foregoing is true and correct.

JOSHUA WOOD

Digitally signed by JOSHUA WOOD
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