

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
SOUTHERN DIVISION  
7:23-CV-897

IN RE: )  
 )  
CAMP LEJEUNE WATER LITIGATION ) Track 2 Scheduling Order  
 )  
This Document Relates to: )  
 )  
Plaintiffs Selected as Track 2 Discovery )  
Pool Plaintiffs )

Pursuant to this Court’s inherent powers, the Federal Rules of Civil Procedure 1, 16(c)(2)(L), and 42(a)(3), Case Management Order No. 2 Section A.iv.e [D.E. 23], and the Track 2 Discovery Plan Order (Case Management Order No. 9 [D.E. 144]) (“Track 2 Order”), the Court hereby enters the Track 2 Scheduling Order establishing deadlines and procedures for the Track 2 Discovery Pool. See Fed. R. Civ. P. I, 16(c)(2)(L), 42(a)(3).

**A. Track 2 Discovery Plaintiff Selection Schedule**

- I. To be eligible for selection in the Track 2 Discovery Pool, a Plaintiff: (1) must have filed his or her Short Form complaint no later than 60 days after the entry of this Order; and (2) not opted out of the Discovery Pool pursuant to Order on Motion to Amend Case Management Order No. 2 (Case Management Order No. 10 [D.E. 146]).
- II. Within 90 days of the Track 2 Scheduling Order, for each illness listed in the Track 2 Order, the Plaintiffs’ Leadership Group and Defendant United States will each select ten Plaintiffs to be included in the Track 2 Discovery Pool. If fewer than 20 Plaintiffs for an individual illness are eligible for selection, all Plaintiffs alleging that illness shall be selected. The selected Plaintiffs in the Track 2 Discovery Pool shall be designated as “Track 2 Discovery Pool Plaintiffs.”

## **B. Track 2 Discovery Schedule**

- I. The Court lifts the stay on the cases in the Track 2 Discovery Pool.
- II. Fact discovery in every Track 2 Discovery Plaintiff's action may begin upon the selection of the Track 2 Discovery Plaintiffs.
- III. Each Plaintiff who is selected as a Track 2 Discovery Pool Plaintiff shall complete a Discovery Pool Profile Form [D.E. 62-1] within 45 days of the entry of a notice on the Master Docket selecting them as a Track 2 Discovery Pool Plaintiff.
- IV. Within 180 days of the date of this Order, the parties shall complete fact discovery for the Track 2 Discovery Pool.
- V. Within 30 days of completion of fact discovery, Plaintiffs shall disclose their expert witnesses. See Fed. R. Civ. P. 26(a)(2)(B) & (C).
- VI. Within 30 days of Plaintiffs' disclosure of their expert witnesses, Defendant shall disclose its expert witnesses.
- VII. Within 15 days of Defendant's disclosure of their expert witnesses, Plaintiffs shall disclose their rebuttal expert witnesses. Within 45 days of Defendant's disclosure of its expert witnesses, expert discovery will close.

## **C. Track 2 Motion Practice**

The parties shall file any dispositive motions within 30 days from the close of expert discovery. See Local Civ. R. 7.1.

## **D. Track 2 Alternative Dispute Resolution ("ADR")**

At the appropriate time, the Court and the Parties shall discuss procedures for Track 2 ADR.

**E. Track 2 Trials**

- I. At the appropriate time, the Court and the Parties shall discuss the selection of certain Track 2 Discovery Plaintiffs for a Bellwether trial or trials. The Parties should be prepared to commence trials for the Track 2 Discovery Pool Plaintiffs on or before June 1, 2024.
- II. Each judge will be responsible for scheduling procedures for the actions assigned to that judge. Any decisions regarding discovery, trial procedures, selection, structure, timing, or any other issues made in individual Track 2 Discovery Pool Plaintiff dockets that are different from or contrary to the provisions of this Order shall supersede this Order.

IT IS 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

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JAMES C. DEVER III  
United States District Judge