

CAMP LEJEUNE PLAINTIFFS' LEADERSHIP COUNSEL

REPORT ON THE STATUS OF THE CAMP LEJEUNE WATER LITIGATION
APRIL 3, 2024

Dear Counsel and *Pro Se* Plaintiffs:

The Court conducted a telephonic status conference on Tuesday, April 2, 2024, attended by Plaintiffs' Leadership Group and DOJ counsel. The Honorable Magistrate Judge Robert Jones presided. The Court heard updates from the parties regarding several matters, including:

1. Track 1 Plaintiffs' Discovery

- The parties are nearing completion of the depositions of Track 1 Plaintiffs, and have begun to take secondary depositions, including depositions of family members of Track 1 Plaintiffs.
- In the near future, the parties will schedule and begin taking the depositions of treating physicians of Track 1 Plaintiffs.
- There are no outstanding discovery issues. DOJ has sent a letter to Plaintiffs' Leadership Group accurately outlining the discovery that has been completed, and outlining what discovery DOJ is in the process of completing.
- The parties reported that they are working on stipulations regarding medical authorizations/releases for Plaintiffs, and it is anticipated that the stipulations will be finalized within a week.

2. Motions/Matters Pending and Ripe for Determination

- Plaintiffs' Leadership Group's Motion for Partial Summary Judgment regarding causation.
- Plaintiffs' Leadership Group's Motion for Certification of Jury Trial issue.
- Discovery plan for Track 2 illnesses

3. Track 3 Diseases

- The parties have agreed on one Track 3 disease. At the Court's request, the parties will either submit a joint proposal for the remaining Track 3 diseases or alternative proposals for Track 3 diseases by no later than April 26, 2024.
- The Court requested the parties to generally describe the nature of the disease category "neurobehavioral effect." DOJ referenced the Veterans Administration's regulation (38 CFR 4.124a), which provides a list of symptoms considered in determining disability (visual impairment, hearing loss, seizures, muscle weakness, concentration, judgment deficient, and memory impairment). DOJ also referenced other symptoms including fatigue, lack of concentration, and sensory disturbance, among others.

Plaintiffs' Leadership Group reported that it has retained experts who will be preparing a white paper for submission to the Court, which will more specifically provide what illnesses and symptoms constitute "neurobehavioral effects."

4. Special Master

- The Court indicated that it will conduct interviews of individuals to consider for appointment as Special Master, including Thomas Perrelli (Jenner & Block) and Christopher Oprison (DLA Piper). The Court had requested the parties to jointly submit three additional candidates for interviews. The parties reported that at this point there is an agreement and joint recommendation for Sheila Birnbaum, who is an attorney with extensive experience in working in the mass tort area and in the resolution process.

The parties agreed to continue conferring with respect to the two additional individuals to be interviewed. The Court indicated that if the parties could not agree on the other two individuals, each party should submit one additional individual for consideration by no later than April 26, 2024.

The next status conference with the Honorable Magistrate Judge Robert Jones has been scheduled for Friday, April 26, 2024, at 11:00 a.m. in Wilmington.

Please continue to monitor our website for real-time updates: <https://camplejeunecourtinfo.com/>.

Respectfully
Plaintiffs' Leadership,

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