

# CAMP LEJEUNE PLAINTIFFS' LEADERSHIP COUNSEL

REPORT ON THE STATUS OF THE CAMP LEJEUNE WATER LITIGATION  
AUGUST 7, 2024

Dear Counsel and *Pro Se* Plaintiffs:

The Court conducted a status conference on Tuesday, August 6, 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. Motions/Matters Pending and Ripe for Determination

- Plaintiffs' Leadership Group's Motion for Rule 16 Conference. [D.E. 155]
- The Parties' Respective Proposed Discovery Plans for Track 2 Illnesses. [D.E. 155, 156]
- Plaintiffs' Leadership Group's Motion for Partial Summary Judgment on CLJA Legal Representative Procedure. [D.E. 184]
- Plaintiffs' Leadership Group's Superseding Proposed Pretrial Scheduling Order for Certain Track 1 Issues. [D.E. 261] and the Government's Alternative Revised Proposed Pretrial Scheduling Order for Certain Track 1 Trial Issues [D.E. 262]

2. Stipulations

- The parties have been unable to reach further agreements on stipulations. The parties reported that additional stipulations are not likely to be reached without the exchange of additional information and further communications. The parties will continue to exchange information and confer to try to reach further agreements on stipulations.

3. Discovery Issues

- Most written discovery will be complete by August 11, 2024. DOJ will supplement discovery responses this week. All fact witnesses have been identified and most fact witness depositions have been taken. There will be a few fact witness depositions taken after August 11.
- With respect to economic damages discovery, Plaintiffs' Leadership Group is in the process of identifying which Track 1 Trial Plaintiffs are seeking economic damages and which are not. With respect to the Track 1 Trial Plaintiffs seeking economic damages, Plaintiffs' Leadership Group is in the process of completing and submitting fact sheets reflecting the economic damages for each Track 1 Trial Plaintiff.
- On August 15, 2024, Plaintiffs' Leadership Group is taking the deposition of Susan Martel, who was the project director for the National Academy of Sciences' NRC 2009 report. Plaintiffs' Leadership Group has filed and briefed a Motion to Compel documents which it believes are relevant to Susan Martel's testimony. If the Motion to Compel is allowed, then depending upon the substance of the documents produced, the Plaintiffs' Leadership Group may seek to reopen the deposition of Susan Martel.

#### 4. Other Issues

- Plaintiffs' Leadership Group has requested that the Government provide the names and contact information for all attorneys who have filed administrative claims. This information is necessary in order for Plaintiffs' Leadership Group to contact and communicate with Plaintiffs' counsel. The Government has provided some information but in many cases the information provided is only a telephone number without an email address or mailing address. Plaintiffs' Leadership Group has requested full contact information for each Plaintiffs' counsel. The Government indicates that it will provide all the contact information it has received for Plaintiffs' attorneys, as set forth in the administrative claim forms.
- With respect to the portal status, Plaintiffs' Leadership Group reports that attorneys are experiencing problems in receiving confirmation that claims were properly presented. DOJ indicates that to the extent Plaintiffs' attorneys have submitted claim forms after the portal was in place, they should receive a confirmation in the portal that the claim was received. To the extent that the claim was filed before the portal was in place, if Plaintiffs' counsel or a *pro se* Plaintiff can prove that the claim was presented by email or regular mail, the Department of Navy will honor the claim and recognize it as submitted as of the date of the email or date mailed. A representative from the Department of Navy attended the hearing and provided further explanation: Early on and well before the portal was in place, if an administrative claim was presented by email, the DON sent a perfection letter advising the claimant that the claim had been received. The volume of the administrative claim filings and associated data became too significant, so the DON stopped providing perfection letters to each claimant. For those administrative claims that were submitted after perfection letters were no longer being sent by the DON, the Navy will honor those claims and the date of the filing/presentation of those claims upon the claimant showing either an email transmission of the claim or mailing of the claim by regular mail. For those who have submitted administrative claims after the portal was in place, those claimants should receive notification of receipt of the claim in the portal. If anyone is having trouble submitting a claim through the portal, the DON will also honor claims that are emailed to them by the due date.

This explanation is currently on the DON website and DON agrees to include the information on its portal.

- Plaintiffs' Leadership Group has requested data from DOJ for all administrative claims (for example, how many claims deal with each specific disease, what are the latency periods for each disease, etc.). This is information that will be helpful in formulating a resolution matrix/process. It is also helpful information for the epidemiology experts.

DOJ has refused to provide this information absent a formal discovery request.

Plaintiffs' Leadership Group is in the process of preparing and submitting a formal discovery request for this information.

The next status conference with the Honorable Magistrate Judge Robert Jones has been tentatively scheduled for **Tuesday, August 27, 2024**, at 11:00 a.m. in Wilmington.

The transcript of the August 6, 2024 status conference will be posted by Plaintiffs' Leadership Group on its website upon receipt of same.

Note that with respect to administrative claims, the DOJ takes the position that all administrative claim forms must be presented to the Department of Navy by **August 10, 2024**. The Department of Navy has indicated that the following five fields must be completed in order for the administrative claim to be properly presented: **Name, Injury, Sum Certain, Authority, and Signature**. See the FAQs released by the Department of Navy on our website.

Note that the Court has entered the Second Amended Protective Order that was proposed, so claimants are now able to access the USMC housing card data through Rubris. Below is a direct link to the instructions for accessing the Rubris database:

[https://url.us.m.mimecastprotect.com/s/7IOXCxklW5tmBJJzF8\\_LIO?domain=camplejeunecourtinfo.com](https://url.us.m.mimecastprotect.com/s/7IOXCxklW5tmBJJzF8_LIO?domain=camplejeunecourtinfo.com).

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

Respectfully  
Plaintiffs' Leadership,

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