

CAMP LEJEUNE PLAINTIFFS' LEADERSHIP COUNSEL

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

Dear Counsel and *Pro Se* Plaintiffs:

The Court conducted a status hearing on Wednesday, November 6, 2024, attended by Plaintiffs' Leadership Group ("PLG") and DOJ counsel. The Honorable Magistrate Judge Robert Jones presided. The Court heard updates from the parties regarding several matters, including:

1. Expert Discovery/Fact Discovery

- With respect to "reliance files" for retained and testifying expert witnesses, who must provide disclosures under Federal Rule of Civil Procedure 26(a)(2)(B), the parties have had several meetings and are close to agreeing on a stipulation which will define "reliance files." The parties anticipate providing a stipulation to the Court very soon.
- The parties have reached an agreement that obviates the need for the Rule 30(d)(6) deposition of the ATSDR. PLG and the National Academy of Sciences ("NAS") have resolved the dispute related to the production of certain documents PLG requested from NAS. Susan Martel's deposition is scheduled to be taken on November 12, 2024, and Scott Williams' deposition is scheduled to be taken on November 15, 2024.
- With respect to the Damages Assessment Forms, PLG has supplemented some of the Damages Assessment Forms as additional information has become available. The parties agreed to address any issues that arise by virtue of supplementation, on a case-by-case basis. DOJ may seek additional discovery based upon the content of the supplementation.
- The parties have met and conferred on multiple occasions regarding the procedure for independent medical examination of Trial Plaintiffs. The parties have reached an agreement as to what constitutes an independent medical examination and the procedure relating to conducting an "independent medical examination." The parties have agreed on a proposed amendment to CMO-11 and have submitted the proposed stipulation to the Court for consideration. [D.E. 298 and 298-1]

2. Other Issues

- PLG has disclosed expert witness reports for experts PLG intends to call during Phase 1.
- The parties are close to an agreement as to the nature of evidence that will be presented during Phase 2.
- PLG made the Court aware of an issue relating to one of the Bladder Cancer Trial Plaintiffs. The Plaintiff's medical condition has recently significantly deteriorated in that the bladder cancer has metastasized, which has resulted in Plaintiff experiencing excruciating and debilitating pain and requiring the administration of Fentanyl. Plaintiff and Plaintiff's family requested that Plaintiff be removed as a bellwether Trial Plaintiff, to allow them to enjoy their remaining time together without having to dedicate the time and energy to the litigation. PLG has made DOJ aware of this, and per DOJ's request, PLG has submitted this information and a request that DOJ agree to release Plaintiff as a Trial Plaintiff. DOJ is considering the

request and anticipates responding to the request within the next few days. The Court indicated it will wait for the parties to advise the Court on the situation.

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

The next status conference with the Honorable Magistrate Judge Robert Jones has been scheduled for Wednesday, November 20, 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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