

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

IN RE:

Case Number 7:23-CV-897

CAMP LEJEUNE WATER LITIGATION

AUGUST 29, 2025
STATUS CONFERENCE
BEFORE THE HONORABLE ROBERT B. JONES, JR.
UNITED STATES MAGISTRATE JUDGE

APPEARANCES:

On Behalf of the Plaintiffs:

J. Edward Bell, III, Esquire
Jenna Butler, Esquire
William Michael Dowling, Esquire
Mona Lisa Wallace, Esquire
A. Charles Ellis, Esquire
James A. Roberts, III, Esquire (Via Telephone)
Hugh Overholt, Esquire (Via Telephone)
Zina Bash, Esquire (Via Telephone)

On Behalf of the Defendant:

John A. Bain, Esquire
Joshua Carpenito, Esquire
Bridget Bailey Lipscomb, Esquire (Via Telephone)
Sara Mirsky, Esquire (Via Telephone)

Bobbie J. Shanfelder, RDR, CRR
Official Court Reporter
Bobbie_Shanfelder@ncd.uscourts.gov

10:41:30AM 1 (Friday, August 29, 2025 at 11:00 a.m.)

11:13:23AM 2 THE COURT: Good morning. Mr. Bell?

11:13:28AM 3 MR. BELL: Good morning, Your Honor. You have a
11:13:31AM 4 fairly detailed status report. It has lots of information in
11:13:37AM 5 it. I am not sure that any of that needs to be further
11:13:41AM 6 discussed because it's well set out in the report. But I
11:13:46AM 7 would be glad to answer any questions.

11:13:48AM 8 THE COURT: Update on Defendant's provision of
11:13:51AM 9 damages offset data.

11:13:55AM 10 MR. BELL: Jenna will address that. That's her
11:13:58AM 11 area, Your Honor.

11:14:00AM 12 MS. BUTLER: Your Honor, where we are on that is
11:14:03AM 13 we received the last production from the Government on
11:14:07AM 14 Monday. That was with respect to the CMS data. That's the
11:14:13AM 15 Medicare information. And we are -- let's see. We have
11:14:16AM 16 taken three depositions. There's one going on right now.
11:14:20AM 17 And we have three more scheduled.

11:14:22AM 18 I did want to alert the Court that because of
11:14:27AM 19 witness availability and timing of when we got the CMS data,
11:14:33AM 20 we do have three depositions currently scheduled after the
11:14:35AM 21 deadline. The deadline was September 2nd. But we were
11:14:39AM 22 specifically supposed to have time to get the data and then
11:14:42AM 23 prepare for the depositions.

11:14:44AM 24 And due to scheduling of the Government's
11:14:47AM 25 witnesses, we have had to push one deposition to September

11:14:50AM 1 3rd and then one to September 9th and one to September 8th.
11:14:55AM 2 So we are about a week behind where we hoped to be. We do
11:15:00AM 3 not know at this time if that will impact the next deadline
11:15:03AM 4 which is October 13th, but I just wanted to alert the Court
11:15:07AM 5 that we are monitoring that.

11:15:10AM 6 Mr. Cromwell, who is not here today because he
11:15:14AM 7 is defending the deposition that's ongoing right now, we have
11:15:16AM 8 a regular 1:00 meet and confer on these depositions. And we
11:15:20AM 9 will be discussing some of that with him at the meet and
11:15:24AM 10 confer.

11:15:24AM 11 There's also an issue we are going to raise with
11:15:27AM 12 respect to the witness who is presented on Tuesday. But we
11:15:31AM 13 will address that at the 1:00 meet and confer. It has not
11:15:35AM 14 been addressed yet. So we are in communication, ongoing
11:15:39AM 15 communication with the DOJ on this. But we are about a week
11:15:43AM 16 behind from the deadline and I wanted the Court to be aware.

11:15:47AM 17 THE COURT: Okay. Anything from the Government
11:15:50AM 18 on that?

11:15:51AM 19 MR. CARPENITO: Good morning, Your Honor.
11:15:52AM 20 Joshua Carpenito for the United States. I generally agree
11:15:56AM 21 with Ms. Butler's statements with respect to offsets. I do
11:16:00AM 22 want to note that the United States' understanding is that
11:16:02AM 23 the close of fact discovery is September 2nd. But these
11:16:06AM 24 additional depositions that have been scheduled outside were
11:16:08AM 25 due to, as Ms. Butler stated, some scheduling issues. So we

11:16:16AM 1 have not had any conversation. Other than that, I would
11:16:19AM 2 agree with that, Your Honor.

11:16:20AM 3 THE COURT: Update on Defendant subpoena to
11:16:22AM 4 Dr. Goldman.

11:16:25AM 5 MR. CARPENITO: Certainly, Your Honor. I can
11:16:25AM 6 provide a context to the Court if you'd like. The United
11:16:28AM 7 States' position is that issue has been resolved.

11:16:30AM 8 THE COURT: Fantastic. Is that right from the
11:16:33AM 9 Plaintiffs?

11:16:34AM 10 MS. BUTLER: Yes, Your Honor. As you are aware,
11:16:36AM 11 the fact discovery closed a long time ago and we have been
11:16:39AM 12 working with the Government on that issue.

11:16:41AM 13 It's my understanding that a modified subpoena
11:16:45AM 14 was issued to Dr. Goldman and that that is going to be the
11:16:48AM 15 extent of that and no further subpoenas will be issued.

11:16:53AM 16 THE COURT: Okay. Is that right, Mr. Carpenito?

11:16:57AM 17 MR. CARPENITO: We issued that subpoena on
11:16:58AM 18 August 21st. We have not received any objections to it, so I
11:17:01AM 19 would agree with that, Your Honor.

11:17:02AM 20 THE COURT: Any update on PLG's amended Track 3
11:17:06AM 21 submissions?

11:17:08AM 22 MR. BELL: No, Your Honor. But just to comment,
11:17:14AM 23 you are aware, Your Honor, that we have been in the middle of
11:17:19AM 24 mediations. Can't get into what's happened, but I would be
11:17:25AM 25 remiss if I didn't say that I think we have -- I think

11:17:30AM 1 everyone was positive about the progress made.

11:17:33AM 2 THE COURT: Okay.

11:17:35AM 3 MR. BELL: Judge Gates and the two settlement
11:17:38AM 4 Masters, I think, did a very fine job in keeping everything
11:17:43AM 5 going and the right conversations. So we have had a lot of
11:17:47AM 6 discussions that were outside of just the mediation, those
11:17:52AM 7 bellwether cases. So that's good news. If the Court wants
11:17:57AM 8 any further information about that, we can talk to the Court
11:17:59AM 9 in chambers. I have one issue to bring up when you are
11:18:04AM 10 finished, Your Honor.

11:18:05AM 11 THE COURT: Update on joint proposal for future
11:18:08AM 12 bellwether discovery.

11:18:10AM 13 MR. BELL: Well, my comment on that, Your Honor,
11:18:14AM 14 is that we think because of what's going on with the
11:18:19AM 15 discussions between the parties, we would suggest that we
11:18:24AM 16 don't rush into that right away. There's some massive
11:18:34AM 17 expenditure of resources, and I am not sure that Track 2 will
11:18:41AM 18 give us any more information than what we have already gotten
11:18:45AM 19 in the discovery we have done so far. So our suggestion is
11:18:48AM 20 to maybe not rush into that.

11:18:51AM 21 THE COURT: Okay. All right. Does the
11:18:56AM 22 Government have any opinion on that?

11:18:58AM 23 MR. BAIN: Not on that particular issue. We
11:19:01AM 24 would like to bring it in. I am not sure what Your Honor is
11:19:05AM 25 referring to, but I think the issue is bringing it into any

11:19:08AM 1 supplementation of expert opinions or discovery and we would
11:19:14AM 2 be interested in exploring that further with the Plaintiffs
11:19:17AM 3 at the appropriate time so that we have a finality to what we
11:19:20AM 4 are going to be addressing in Track 1.

11:19:25AM 5 THE COURT: What is this?

11:19:27AM 6 MR. BAIN: I think we have in our status
11:19:29AM 7 conference report that we have been engaged in discussion
11:19:31AM 8 about having some finality to supplementation of expert
11:19:36AM 9 opinions. So on that issue, we would still hope to get that
11:19:40AM 10 at some point and discuss that with Plaintiffs.

11:19:43AM 11 THE COURT: Are you all discussing that?

11:19:45AM 12 MR. BAIN: We haven't had discussions for a
11:19:47AM 13 while, but it's something that we would like to bring up in
11:19:50AM 14 the future point in time. As you know, we have been working
11:19:52AM 15 on motions that are to be filed on September 10th. There's
11:19:58AM 16 Daubert and summary judgment motions due for both general
11:20:01AM 17 causation, specific causation due on that date. We believe
11:20:05AM 18 that those motions will help narrow the issues for trial and
11:20:09AM 19 ultimately the global resolution of the litigation.

11:20:12AM 20 The other thing I'd like to bring up is that, as
11:20:15AM 21 you know, the Court indicated last summer that it would like
11:20:19AM 22 to address two threshold issues; first, the water
11:20:22AM 23 contamination issue and the general causation for the Track 1
11:20:26AM 24 illnesses. The United States is interested in doing whatever
11:20:29AM 25 the Court deems necessary to resolve those issues

11:20:32AM 1 expeditiously. And if necessary, once those issues have been
11:20:36AM 2 resolved, moving the Track 1 cases to trial sometime in 2026.

11:20:42AM 3 So to the extent that involves scheduling
11:20:45AM 4 evidentiary hearings or trials, the United States is
11:20:48AM 5 interested in starting to discuss that with the Court at the
11:20:50AM 6 Court's convenience.

11:20:53AM 7 The one thing I would like to address in that
11:20:56AM 8 regard is both sides have several experts who give opinions
11:21:00AM 9 on different diseases. So if the Judges are intending to
11:21:05AM 10 have separate general causation hearings on the different
11:21:09AM 11 diseases, there will be some coordination that will be
11:21:12AM 12 necessary because some experts address multiple diseases.

11:21:17AM 13 THE COURT: Right. We addressed this -- well,
11:21:19AM 14 we mentioned this a long time ago. Yeah. I think the Court
11:21:22AM 15 is aware of that.

11:21:25AM 16 MR. BAIN: So in sum, we think resolution of
11:21:27AM 17 some of these threshold issues will help move the case
11:21:30AM 18 forward toward global resolution and we would be interested
11:21:32AM 19 in trying to address those expeditiously.

11:21:35AM 20 THE COURT: All right. Mr. Bell, that was my
11:21:38AM 21 list.

11:21:40AM 22 MR. BELL: Yes, Your Honor. Again, not to beat
11:21:43AM 23 a dead horse but since we don't have jury trials, we have
11:21:47AM 24 bench trials, it would seem to us that the Court hearing the
11:21:52AM 25 causation experts at the trial is time better served than

11:21:57AM 1 having hearings and have them testify to the same thing at a
11:22:02AM 2 trial. So we think it's not necessary to have all of that in
11:22:06AM 3 advance.

11:22:07AM 4 THE COURT: Okay.

11:22:08AM 5 MR. BELL: Your Honor, you recall in July, July
11:22:13AM 6 22nd, Docket Entry 444, the Court issued an order having to
11:22:19AM 7 do with fact specific causation experts and their reliance on
11:22:28AM 8 general causation issues. And the order was specific about
11:22:34AM 9 how to handle that.

11:22:37AM 10 And looking over that order, Your Honor, we were
11:22:40AM 11 concerned that the rule itself, which has been now put down
11:22:44AM 12 by the Court, applies to all experts. And I am sure the
11:22:48AM 13 Court meant that.

11:22:50AM 14 But we would ask the Court to either entertain a
11:22:54AM 15 motion for that or to do it just from the bench. But we just
11:22:58AM 16 want to make sure that at the last minute some trial and that
11:23:04AM 17 order doesn't specifically address all of the experts. It
11:23:08AM 18 just addressed that one motion.

11:23:10AM 19 So we are ready to file a motion to have it
11:23:13AM 20 apply to all experts, but I don't think we necessarily need
11:23:18AM 21 to do that but we can do that.

11:23:21AM 22 THE COURT: Does the Government have a position
11:23:22AM 23 on that?

11:23:22AM 24 MR. BAIN: I am not really sure of what Mr. Bell
11:23:25AM 25 is proposing. We think the order speaks for itself. It

11:23:29AM 1 applies to the experts that the motion was made for.

11:23:31AM 2 THE COURT: Why don't you file a motion? I
11:23:33AM 3 could benefit from that.

11:23:36AM 4 MR. BELL: That's exactly why I am worried, Your
11:23:38AM 5 Honor, because the Government just said something. Said we
11:23:41AM 6 think it applies only to that motion.

11:23:43AM 7 THE COURT: Well, you know what their response
11:23:44AM 8 will be then if you file a motion, I guess.

11:23:47AM 9 MR. BELL: Put it on the record that's their
11:23:48AM 10 response. But it makes us file 50, 60 motions for it to
11:23:56AM 11 apply to all the other people. A lot of the experts use the
11:23:59AM 12 same kind of process which we thought was okay. But the
11:24:04AM 13 Court has given us guidelines, and we think that rule should
11:24:07AM 14 apply to everybody. I would be glad to file a motion, Your
11:24:11AM 15 Honor. Just wanted to bring that to your attention.

11:24:13AM 16 THE COURT: All right. What else?

11:24:18AM 17 MR. BELL: That's all.

11:24:20AM 18 THE COURT: Mr. Dowling, anything?

11:24:22AM 19 MR. DOWLING: Yes, Your Honor. I did want to
11:24:23AM 20 notify the Court that in accordance with the amendment to
11:24:25AM 21 CMO-2, the parties worked together to file the Joint
11:24:30AM 22 Appendix, both an unsealed and sealed volume this week. The
11:24:34AM 23 unsealed volume is at Docket Entries 459 through 510, and the
11:24:40AM 24 sealed volume is at Docket Entry 511. And we anticipate in
11:24:46AM 25 accordance with the amendment to CMO-2 the parties will be

11:24:49AM 1 citing to those.

11:24:51AM 2 THE COURT: In the individual cases? The
11:24:52AM 3 notice?

11:24:53AM 4 MR. DOWLING: There will be a notice in the
11:24:55AM 5 individual cases and the motion as it applies to an
11:24:58AM 6 individual case.

11:24:59AM 7 THE COURT: Otherwise you would have to file
11:25:00AM 8 that in every single case.

11:25:02AM 9 MR. DOWLING: Correct. And we envision a
11:25:04AM 10 circumstance where we would be reattaching the same
11:25:07AM 11 voluminous exhibits repeatedly and bogging down the Court.
11:25:10AM 12 So we hope it's helpful to the Court and we also hope it's
11:25:13AM 13 helpful to the public now that there's lots of that
11:25:17AM 14 information available so members of the public can see what's
11:25:20AM 15 being done here. And we wanted to let the Court know we
11:25:23AM 16 believe we have complied with that order.

11:25:25AM 17 THE COURT: Okay. Thank you. Anything else
11:25:31AM 18 from the Plaintiffs?

11:25:32AM 19 MR. BELL: No, Your Honor.

11:25:33AM 20 THE COURT: Government?

11:25:34AM 21 MR. BAIN: Nothing else, Your Honor.

11:25:35AM 22 THE COURT: Okay. Can we meet again on
11:25:55AM 23 September 15th?

11:25:57AM 24 MR. BAIN: That works for us, Your Honor. The
11:25:59AM 25 15th?

11:26:01AM 1 THE COURT: Yes, sir. I think that's a --
11:26:03AM 2 MR. BAIN: It's a Monday.
11:26:04AM 3 THE COURT: It's a Monday. Yes, sir.
11:26:34AM 4 MR. BELL: That's fine with us, Your Honor.
11:26:35AM 5 THE COURT: Okay. We will set it for 11:00
11:26:37AM 6 then. Thank you very much. We're adjourned.
11:26:47AM 7 (The proceedings concluded at 11:26 a.m.)
8
9

10 C E R T I F I C A T I O N

11 I certify that the foregoing is a correct
12 transcript from the record of proceedings in the
13 above-entitled matter.
14

15 /s/ Bobbie J. Shanfelder
16 Bobbie J. Shanfelder, RDR, CRR
17 Official Court Reporter
18 Date: September 11, 2025
19
20
21
22
23
24
25