

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

IN RE:

Case Number 7:23-CV-897

CAMP LEJEUNE WATER LITIGATION

SEPTEMBER 15, 2025
STATUS CONFERENCE
BEFORE THE HONORABLE ROBERT B. JONES, JR.
UNITED STATES MAGISTRATE JUDGE

APPEARANCES:

On Behalf of the Plaintiffs:

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

On Behalf of the Defendant:

J. Adam Bain, Esquire
Michael Cromwell, Esquire
Joshua Carpenito, Esquire
Allison O'Leary, Esquire
Bridget Bailey Lipscomb, Esquire
David Ortiz, Esquire
Sara Mirsky, Esquire (Via Telephone)

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

10:39:57AM 1 (Monday, September 15, 2025 at 11:00 a.m.)

10:40:29AM 2 THE COURT: Good morning. What does the -- I
11:08:26AM 3 will start with the PLG.

11:08:29AM 4 MR. ROBERTS: Good morning, Your Honor.

11:08:31AM 5 MR. BELL: Good morning. This is Ed Bell. As
11:08:34AM 6 indicated in our joint status report, this is a fairly benign
11:08:40AM 7 hearing, I think. But we had three things we would like to
11:08:43AM 8 go over with the Court.

11:08:44AM 9 THE COURT: Okay.

11:08:45AM 10 MR. ROBERTS: Good morning, Your Honor. I
11:08:48AM 11 think --

11:08:51AM 12 THE COURT: Who is leading off for the PLG?

11:08:53AM 13 MR. ROBERTS: I thought I was but I'm happy to
11:08:55AM 14 step aside.

11:08:55AM 15 MR. BELL: I will go ahead. I will outline what
11:08:59AM 16 we have today, Your Honor, and then a couple of us may want
11:09:01AM 17 to chime in.

11:09:02AM 18 The first is we have some proposed change in
11:09:06AM 19 dates for discovery that have only been moved two weeks that
11:09:10AM 20 are on Page 5, Numbers 2, 3, and 4 that extend deadlines to
11:09:18AM 21 about two weeks each.

11:09:19AM 22 The second, Your Honor, has to do with sealing
11:09:23AM 23 of mental health documents. And it looks like we will have
11:09:28AM 24 to prepare a joint amendment to the CMO to have those mental
11:09:37AM 25 health records accessible only by the PLG. That's what we

11:09:43AM 1 ask the Court to consider.

11:09:43AM 2 And the third, Your Honor, has to do with maybe
11:09:47AM 3 how we handle -- I don't want to use the word carpet bombing
11:09:56AM 4 but the massive motion practice that the Government started
11:10:00AM 5 last week. And we had some ideas on that, Your Honor.

11:10:03AM 6 THE COURT: Okay. Let's go back to number one.
11:10:09AM 7 What are the dates of discovery? Is that the damage offset?

11:10:14AM 8 MR. ROBERTS: Yes, sir, Your Honor.

11:10:17AM 9 MR. BELL: They are on Page 5 at the top of the
11:10:19AM 10 page.

11:10:22AM 11 MS. BUTLER: Your Honor, I am glad to address
11:10:24AM 12 that. Mr. Cromwell and I have been working on that issue
11:10:26AM 13 together. As you will recall, the Court had allowed a period
11:10:30AM 14 of limited offset and damages related discovery. That was to
11:10:35AM 15 be completed by September 2nd.

11:10:38AM 16 But due to, for example, the Medicare, some of
11:10:42AM 17 that information did not get to us until August 25th. And
11:10:45AM 18 then due to availability of witnesses and scheduling, the
11:10:50AM 19 last deposition pursuant to that period of limited discovery,
11:10:54AM 20 that deposition will be taking place this Thursday, September
11:10:58AM 21 18. So that is two weeks and two days after the September 10
11:11:03AM 22 deadline. So we were jointly requesting just that all of the
11:11:07AM 23 deadlines be extended by two weeks and two days.

11:11:11AM 24 We have a joint proposed motion and order that
11:11:15AM 25 we hopefully will be filing this afternoon. There was a

11:11:18AM 1 little hiccup over the weekend, but I think Mr. Cromwell and
11:11:21AM 2 I worked that out and we will be filing that motion hopefully
11:11:25AM 3 later today.

11:11:26AM 4 THE COURT: Okay. Is that right, Mr. Cromwell?

11:11:28AM 5 MR. CROMWELL: Yes. Everything as stated was
11:11:31AM 6 accurate, so hopefully we have resolved the issues.

11:11:36AM 7 THE COURT: All right. Number two, sealing of
11:11:38AM 8 mental health documents.

11:11:40AM 9 MR. ROBERTS: Your Honor, as you are aware, the
11:11:42AM 10 parties filed an extensive joint appendix. The majority of
11:11:47AM 11 the documents, the vast majority were not sealed. We have
11:11:51AM 12 got three of the Track 1 Plaintiffs whose mental health
11:11:56AM 13 records have been put in issue.

11:12:00AM 14 We moved to provisionally seal those documents.
11:12:04AM 15 And in order to protect in the wide dissemination of those
11:12:09AM 16 documents, our approach in proposal would be that PLG members
11:12:12AM 17 can receive the documents. Of course the Government can
11:12:15AM 18 receive the documents. But otherwise they would remain
11:12:19AM 19 confidential.

11:12:20AM 20 We anticipate filing a motion on Wednesday to
11:12:24AM 21 modify the protective order that the Court had in place, and
11:12:27AM 22 I don't think that's opposed by the Government.

11:12:30AM 23 THE COURT: Okay.

11:12:31AM 24 MR. BAIN: Your Honor, we would want to review
11:12:34AM 25 the proposed motion.

11:12:37AM 1 THE COURT: Okay. Wednesday, Mr. Roberts?

11:12:41AM 2 MR. ROBERTS: Your Honor, I think the deadline
11:12:43AM 3 is Wednesday.

11:12:44AM 4 THE COURT: We will see it then.

11:12:46AM 5 MR. BAIN: I think there might be another issue
11:12:48AM 6 regarding sealing which has to do with some of the financial
11:12:51AM 7 information of some of our experts which the Plaintiffs did
11:12:55AM 8 file under seal.

11:12:56AM 9 Our understanding is that our motion to keep
11:12:59AM 10 that material under seal would be due on Friday. So that's
11:13:03AM 11 when we intend to file a motion to keep that material under
11:13:06AM 12 seal.

11:13:08AM 13 MR. DOWLING: We do anticipate opposing that
11:13:11AM 14 this is the billing records of their retained testifying
11:13:15AM 15 experts primarily. We don't think that they can overcome the
11:13:19AM 16 strong presumption of public access for that particular round
11:13:23AM 17 of documents, but we will look at the motion and respond in
11:13:26AM 18 due course.

11:13:27AM 19 THE COURT: I appreciate the heads up. Thank
11:13:31AM 20 you.

11:13:31AM 21 MR. BELL: The last thing, Your Honor, has to do
11:13:34AM 22 with --

11:13:34AM 23 THE COURT: Carpet bombing.

11:13:35AM 24 MR. BELL: -- the motions that have been filed.
11:13:37AM 25 I think Mr. Roberts or Mr. Dowling, someone address that.

11:13:42AM 1 MR. ROBERTS: Your Honor, we got hit with, I
11:13:44AM 2 think, 31 motions on the filing deadline, September 10. I
11:13:51AM 3 think Plaintiffs Leadership filed either 8 or 9. I guess
11:13:56AM 4 what our concern is, Your Honor, we are very sensitive to the
11:14:01AM 5 Court's admonition to get the cases moving towards a
11:14:05AM 6 resolution. That is, to some extent, handicapped with all
11:14:10AM 7 the motions that are pending before the Court.

11:14:13AM 8 I would propose the following on behalf of
11:14:18AM 9 Plaintiffs Leadership Group. I think we need to meet with
11:14:20AM 10 the Government and decide which motions are absolutely
11:14:23AM 11 necessary for the Court to hear. Otherwise, I mean, these
11:14:28AM 12 things could go on for months and months and months.

11:14:31AM 13 Some of them are Daubert motions that relate to
11:14:34AM 14 specific diseases. And one approach would be to allow those
11:14:39AM 15 motions to be heard at trial by the presiding Trial Judge and
11:14:45AM 16 that would cut down immensely on the amount of briefing. But
11:14:48AM 17 these are ideas that we are considering, and we would invite
11:14:53AM 18 the Government's ideas as well.

11:14:58AM 19 MR. BAIN: Your Honor, we are open to engagement
11:15:01AM 20 with the Plaintiffs on this. I will note, however, that the
11:15:05AM 21 motions that we filed, which were 22 Daubert motions, covered
11:15:10AM 22 32 experts that the Plaintiffs had submitted.

11:15:14AM 23 Their expert reports were duplicative in many
11:15:18AM 24 instances with the same experts covering similar things and
11:15:21AM 25 often overlapping the language that they used. Not only did

11:15:27AM 1 they cover 32 Plaintiffs' experts but 62 expert reports. So
11:15:32AM 2 we don't believe that it was, in any way, more than what's
11:15:39AM 3 necessary.

11:15:40AM 4 And it was done in an efficient way. Many
11:15:44AM 5 experts were covered in the same motion. And actually it
11:15:47AM 6 turned out to be only 9 and a half pages for each report that
11:15:51AM 7 was challenged.

11:15:53AM 8 We believe that deciding these issues at a
11:15:57AM 9 pretrial stage will help narrow the issues for trial and will
11:16:02AM 10 ultimately lead to global resolution.

11:16:05AM 11 The issues are set out well in these briefs and
11:16:09AM 12 the Court addressing these issues at pretrial will, we think,
11:16:14AM 13 reduce a lot of the burden on the Court eventually at trial
11:16:18AM 14 and will narrow the issues for trial and may make some trials
11:16:21AM 15 unnecessary.

11:16:23AM 16 Nine of the motions that we filed were summary
11:16:25AM 17 judgment motions which basically were based on the Daubert
11:16:31AM 18 motions. So if certain opinions are excluded, we are
11:16:36AM 19 entitled to summary judgment because there's no expert
11:16:38AM 20 opinion to support causation in particular cases.

11:16:43AM 21 With that being said, we are interested in
11:16:45AM 22 working with the PLG and the Court to expedite these matters
11:16:50AM 23 to get these matters resolved next year. And if that
11:16:53AM 24 involves scheduling evidentiary hearings or trials, we are
11:16:56AM 25 open to start discussing that with the Court.

11:16:59AM 1 THE COURT: Okay. Well, if you want to make a
11:17:02AM 2 proposal that you think would expedite these things and move
11:17:11AM 3 the cases, the Court certainly would be happy to consider it.

11:17:19AM 4 MR. BELL: We will be glad to do that, Your
11:17:22AM 5 Honor.

11:17:22AM 6 THE COURT: Okay. Does the Government have
11:17:24AM 7 anything?

11:17:24AM 8 MR. BAIN: We would be happy to discuss that
11:17:27AM 9 with the Plaintiffs or else file our own motion on that.

11:17:34AM 10 THE COURT: I have gone through the three items
11:17:37AM 11 that PLG offered today. Have you got anything?

11:17:40AM 12 MR. BAIN: I think other than that, we just have
11:17:42AM 13 one other item which is to raise to the Court the motions
11:17:45AM 14 that were fully briefed as of Friday.

11:17:49AM 15 THE COURT: That was your response that was
11:17:50AM 16 filed Friday?

11:17:52AM 17 MR. CARPENITO: Yes, Your Honor. Your Honor, we
11:17:53AM 18 filed our response to PLG's motion. Their motion is at
11:17:58AM 19 Docket Entry 515 asking the Court to expand the previously
11:18:01AM 20 decided issue to all experts. Our response is, it is now
11:18:04AM 21 fully briefed. The issue has been fully briefed. I am happy
11:18:09AM 22 to answer any questions.

11:18:10AM 23 THE COURT: No. I will take a look at it. I
11:18:12AM 24 saw it was filed Friday.

11:18:15AM 25 MR. CARPENITO: Thank you, Your Honor.

11:18:16AM 1 THE COURT: Dr. Hoppe. Is there an update on
11:18:19AM 2 Dr. Hoppe?

11:18:25AM 3 MS. O'LEARY: Good morning, Your Honor. Allison
11:18:28AM 4 O'Leary for the United States. We have the supplemental
11:18:31AM 5 deposition. And I'm sure you saw the joint status report
11:18:33AM 6 that there was an instruction not to answer a question that
11:18:36AM 7 was permissible.

11:18:36AM 8 But we have decided that we don't need to file
11:18:39AM 9 any additional discovery motions related to that and any
11:18:42AM 10 issues on the limitations on the appropriate scope of
11:18:45AM 11 Dr. Hoppe's testimony can be handled at trial should the
11:18:49AM 12 issue arise.

11:18:50AM 13 THE COURT: Good. Thank you.

11:18:51AM 14 Update on Dr. Barbano?

11:18:57AM 15 MR. ROBERTS: Your Honor, as I understand it,
11:18:58AM 16 the attorney that has been responsible for handling
11:19:04AM 17 Dr. Barbano has been in discussions with the Government as to
11:19:08AM 18 the scope of the email production that he's going to make.

11:19:11AM 19 As we pointed out in the joint status report,
11:19:13AM 20 he's a neurologist that's been practicing for decades. So
11:19:16AM 21 the question is, I mean, if you do a search term on
11:19:22AM 22 Parkinson's, it's obviously going to bring a lot of
11:19:24AM 23 confidential patient information into the equation.

11:19:27AM 24 So as I understand, and I spoke with Mr. Bain
11:19:30AM 25 about that this morning, there's discussions ongoing as to

11:19:33AM 1 the best way to address those concerns. And I have not been
11:19:36AM 2 privy to those discussions but I understand they are ongoing.

11:19:39AM 3 MR. BAIN: Yes, Your Honor. We are open to
11:19:41AM 4 continuing discussions on this with the Plaintiffs. We do
11:19:44AM 5 think that the search that we proposed which includes things
11:19:47AM 6 such as Camp Lejeune and Goldman who is the author of the
11:19:52AM 7 Camp Lejeune Parkinson's study are highly relevant to this
11:19:57AM 8 litigation.

11:19:58AM 9 At this point, the Plaintiffs refused to produce
11:20:00AM 10 anything even though they have admitted there's around 650 to
11:20:04AM 11 700 emails that hit on some of the search terms that we've
11:20:08AM 12 been discussing. But we are open to continuing to work with
11:20:12AM 13 the Plaintiffs on this including to protect any confidential
11:20:16AM 14 information that might be in those emails.

11:20:21AM 15 THE COURT: Is there anything for the Court to
11:20:25AM 16 get into on this?

11:20:26AM 17 MR. BAIN: Not at this time, Your Honor. I
11:20:28AM 18 think we can continue to work it out. And if we can't reach
11:20:32AM 19 a resolution by the next status conference, we can bring it
11:20:35AM 20 to the Court's attention.

11:20:36AM 21 THE COURT: All right. Now this is a subject I
11:20:43AM 22 think that has been under discussion for some time. That is
11:20:48AM 23 a final deadline for supplementation of Track 1 trial
11:20:55AM 24 Plaintiffs. Is there any update on that?

11:21:00AM 25 MS. BUTLER: Your Honor, we continue to produce

11:21:05AM 1 the medical updates. In fact, we have our next DPPF update
11:21:10AM 2 due on October 10th. As you can imagine, given the diseases
11:21:14AM 3 that we are addressing, there are ongoing developments.

11:21:20AM 4 We feel that the DPPF updates which we have
11:21:23AM 5 agreed to do, we have an agreement with the -- it was Sara
11:21:28AM 6 Mirsky who is not here today. But I think they are familiar.
11:21:32AM 7 We have an agreement to update a particular spreadsheet every
11:21:36AM 8 3 months. We did one July 10th. There's another one due
11:21:40AM 9 October 10th. And also, in the meantime, we are sending
11:21:44AM 10 updated medical records, billing records, things that we
11:21:46AM 11 receive from the Plaintiffs.

11:21:49AM 12 So at this time we feel like it's being handled
11:21:52AM 13 appropriately. And until trial dates are set, I think we are
11:21:58AM 14 handling it in the best manner we can but we do not want to
11:22:02AM 15 set a deadline after which these ongoing medical conditions
11:22:06AM 16 can't be addressed with the Court.

11:22:11AM 17 MR. BAIN: Your Honor, our position continues to
11:22:13AM 18 be that there should be some deadlines set at some point. I
11:22:16AM 19 believe that could be handled in the future, but I just want
11:22:18AM 20 to raise the fact that we have now addressed through motions
11:22:22AM 21 the Plaintiffs' specific causation experts.

11:22:26AM 22 So if those experts were now to come and
11:22:28AM 23 supplement their reports and assert new opinions or
11:22:32AM 24 additional bases for their opinions, we believe that would be
11:22:35AM 25 inappropriate unless there was a really good cause for that

11:22:39AM 1 because we have already, in essence, addressed their opinions
11:22:44AM 2 in our motions.

11:22:46AM 3 THE COURT: Okay. I understand your positions.
11:22:50AM 4 This is a subject that we have talked about, I think, the
11:22:53AM 5 last few times. And that is the idea of switching to Track 2
11:23:01AM 6 and Track 3 and things that the parties have learned in Track
11:23:07AM 7 1 that could make Track 2 and Track 3 and subsequent tracks
11:23:11AM 8 run more efficiently.

11:23:15AM 9 I don't know if I am -- if I just want to put
11:23:17AM 10 the idea out there or what does that look like? Would it be
11:23:25AM 11 a good idea for the parties to submit before we get into fact
11:23:33AM 12 discovery on 2 and 3? Should there be a meeting of the minds
11:23:39AM 13 on best practices? Let's call it general subject here.

11:23:45AM 14 MR. ROBERTS: Your Honor, I think that's an
11:23:47AM 15 excellent idea and I think we would be in a position to speak
11:23:51AM 16 with the Government on how we approach that.

11:23:53AM 17 THE COURT: That's the whole point. That's one
11:23:54AM 18 of the reasons we are doing it this way; right? We learn
11:23:57AM 19 what works and what doesn't. And what may work for Track 2
11:24:02AM 20 is not going to work for 3. What worked for 4 is not going
11:24:05AM 21 to work for 5. Things of that. I just want to put that idea
11:24:10AM 22 out there. How can we better use our time?

11:24:14AM 23 MR. BAIN: Your Honor, we are open to discussing
11:24:16AM 24 that further with the Plaintiffs. We already, I think,
11:24:18AM 25 submitted competing proposals for how Track 2 should be

11:24:22AM 1 managed.

11:24:22AM 2 The United States' position is that we should
11:24:24AM 3 deal with issues of general causation first before going into
11:24:28AM 4 specific Plaintiff discovery like choosing Plaintiffs and
11:24:32AM 5 doing the individual discovery and getting their medical
11:24:35AM 6 records because the Track 2 diseases, at least some of them,
11:24:40AM 7 are diseases that are very common in the population, I think,
11:24:42AM 8 such as prostate cancer and lung cancer.

11:24:45AM 9 And there should be some initial determination
11:24:47AM 10 whether those can even be connected to the Camp Lejeune
11:24:51AM 11 chemicals before we start getting into Plaintiff specific
11:24:54AM 12 discovery.

11:24:55AM 13 So I believe that was the focus of our Track 2
11:24:58AM 14 proposal, but we are open to discussing that again with
11:25:02AM 15 Plaintiffs and seeing if they are --

11:25:03AM 16 THE COURT: Would it be -- thinking out loud
11:25:06AM 17 here. Would it be a good idea to do this after the Court has
11:25:11AM 18 made some rulings on Phase I and Phase II, Phase III? I
11:25:21AM 19 won't hold you to it. I want to get your ideas of when you
11:25:24AM 20 think that would be a good time to do it.

11:25:28AM 21 MR. BAIN: Yeah.

11:25:29AM 22 MR. BELL: Judge, I think it might be a little
11:25:30AM 23 premature to -- maybe discuss it now but to make a final
11:25:35AM 24 decision might be a little premature.

11:25:40AM 25 THE COURT: Okay. Anything else? That's all I

11:25:46AM 1 had.

11:25:48AM 2 MR. BELL: Nothing from the PLGs, Your Honor.

11:25:52AM 3 THE COURT: Looks like two weeks from today will
11:25:55AM 4 get us through, almost through September. Hard to believe.
11:26:00AM 5 But I have a lot of availability the week of the 29th and the
11:26:08AM 6 week of the 6th.

11:26:13AM 7 MR. BELL: 29th would suit us fine, Your Honor.

11:26:16AM 8 MR. BAIN: Your Honor, the 29th would be fine
11:26:18AM 9 with the Government and to avoid any potential issues if
11:26:23AM 10 there's a lapse of appropriations which will occur on October
11:26:27AM 11 1st.

11:26:30AM 12 THE COURT: Let's set it for 11:00 on Monday,
11:26:34AM 13 September the 29th.

11:26:38AM 14 MR. BELL: Very well. Thank you.

11:26:39AM 15 THE COURT: All right. Thank you very much.

11:26:43AM 16 MR. ROBERTS: Your Honor, may I approach on an
11:26:44AM 17 unrelated matter?

11:26:45AM 18 THE COURT: Yes, sir.

11:26:54AM 19 (The proceedings concluded at 11:26 a.m.)

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

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

/s/ Bobbie J. Shanfelder

Bobbie J. Shanfelder, RDR, CRR

Official Court Reporter

Date: September 17, 2025