

IN RE: )  
CAMP LEJEUNE WATER LITIGATION ) Case No: 7:23-cv-897  
)  
)  
) JOINT MOTION TO AMEND PRETRIAL  
This Document Relates To: ALL CASES ) SCHEDULING ORDERS [DE-270, DE-312,  
) and DE-332]  
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<sup>1</sup> Presently, the Parties have disclosed certain damages-related experts to which this amendment would apply: experts related to life care planning (PLG experts include Michael A. Fryar, Kelly Sakala, and Kay Hairston; United States’ experts include Michael Shahnasarian and Deborah Navarro) (collectively, “Parties’ LCP Experts”); experts related to economic damages and/or offset opinions (PLG experts include Chad Staller; United States’ experts include Tricia M. Yount, Dubravka Tomic, Henry Miller, and Andrew Brod) (collectively, “Parties’ Economic Experts”); and PLG’s home renovation expert Eric Anderson (“PLG’s Home Renovation Expert”). These experts are referred collectively herein as the “Parties’ Damages Experts.”

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## **Phase II and Phase III Briefing**

The Parties have recently completed Phase II expert discovery and have just started Phase III expert discovery. There are nearly 40 Phase III expert witness depositions that are scheduled to take place during Phase III discovery, ending in late July 2025 (not including the Parties' 11 Damages Experts, who, upon entry of the corresponding proposed order, would be deposed during a later phase). Additionally, at the Settlement Masters' request, the Parties are submitting mediation statements and engaging in in-person mediations for all 25 Track 1 Bellwether Plaintiffs; the mediations will begin in July 2025 and are scheduled to continue through the end of August 2025.

Consequently, to meet these competing demands, the Parties have agreed, if the Court approves, to extend the time for the Parties to submit Phase II and Phase III briefing. In order to make the briefing process more efficient for the Parties and for the Court (for example, there are a number of Phase II experts who also submitted reports during Phase III), the Parties have agreed to modify the briefing schedules for Phase II and Phase III so that opening briefs for both Phase II and Phase III would be due concurrently on **September 10, 2025**, opposition briefs would be due on **November 10, 2025**, and reply briefs would be due on **December 12, 2025**. Good cause exists for amendment of the Court's orders to allow the Parties to effectively and efficiently complete Phase III discovery and to take part in Track 1 settlement mediations. The short extensions allow the Parties to appropriately brief Phase II and Phase III issues without disrupting the Court's overarching phased approach to this litigation, and commitment to try any Track 1 cases, as necessary, in 2026.

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agreement does not preclude the LCP Experts who have put forth opinions on the Parties' life care plans from also providing a report on other/different topics within the amended schedule, to the extent appropriate and to the extent related to a respective Parties' Economic Experts' damages or offset opinions.

### **Damages-Related Discovery**

The Parties presently dispute the timing and scope of the disclosure of offset-related information (“Offset Information”) in this case and its impact on the Plaintiffs' damages presentations. This dispute has been the subject of multiple meet and confers and is referenced in the Joint Status Reports filed on May 14, 2025 [DE-383] and June 2, 2025 [DE-390]. The issues also were raised at the Status Conferences occurring on May 21, 2025 and June 9, 2025. In order to avoid the time and expense of engaging in motions practice on these disputed issues, the Parties have agreed to conduct further discovery related to Offset Information and to provide a separate discovery “Track” for this information as follows:

1. The United States will (i) produce underlying offset data and materials from VHA (including IVC) TriWest, CMS, TRICARE and any other entity from which the government intends to utilize information to support its claimed offsets and (ii) work with those agencies to identify the individuals responsible for each agency's provided data and explanation, and provide those individuals for remote depositions by **September 2, 2025**. The depositions will be performed on a rolling basis via remote means in a manner that provides PLG sufficient time prior to each deposition to analyze the information pertinent to each deposition.
2. PLG will produce amended damage assessment forms and expert reports on damages/offsets by no later than **October 13, 2025**.
3. The United States will produce expert reports on damages/offsets by no later than **45 days** after PLG completes its production under #2.
4. PLG will produce rebuttal expert reports on damages/offsets by no later than **35 days** after the United States completes its production under #3.
5. The Parties will complete expert discovery on damages/offsets by no later than **45 days** after PLG completes its production under #4. The currently scheduled depositions of the Parties' Damages Experts shall be postponed to this period of expert discovery unless otherwise agreed between the parties. Motions pertaining to the experts being deposed according to this revised schedule will be included in a revised briefing schedule, if any is necessary.

Good cause exists for amendment of the Court's Orders to allow for this additional discovery.

The Parties request that the Court's August 7, 2024, Pretrial Scheduling Order [DE-270] be amended to permit the Parties sufficient time to produce offset-related information

and to conduct fact depositions (to the extent necessary) on offset-related information; such fact discovery shall conclude on September 2, 2025. The Parties further request that the Court's January 2, 2025, Pretrial Scheduling Order [DE-312] be amended to provide a separate discovery "Track" to allow the Parties to serve expert reports related to the damages and offset information and to complete depositions of the Parties' Damages Experts. To further align those Phase III expert discovery deadlines with the Court's March 11, 2025, Pretrial Scheduling Order [DE-332], which designated particular deadlines for experts related to Track 1 Plaintiffs alleging Parkinson's Disease, the Parties' request necessitates amendment of that Pretrial Scheduling Order [DE-332] as well.

A proposed order is attached.

DATED this 24th day of June 2025.

Respectfully submitted,

/s/ J. Edward Bell, III

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### **CERTIFICATE OF SERVICE**

I certify that, on June 24, 2025, a copy of the foregoing Joint Motion to Amend Pretrial Scheduling Orders [DE-270, DE-312, and DE-332] was served electronically on all counsel of record in this matter through the Court's CM/ECF.

Dated: June 24, 2025

/s/ Michael W. Cromwell