IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA

IN RE: *CAMP LEJEUNE WATER LITIGATION*	)	Case No: 7:23-cv-897
This Document Relates To: *ALL CASES*	)	JOINT MOTION TO AMEND CASE MANAGEMENT ORDER NO. 2 (CMO 2)

Pursuant to Federal Rules of Civil Procedure 1, 16(c)(2)(L), and 42(a)(3), the Plaintiffs' Leadership Group ("PLG") and Defendant United States of America (collectively, "the Parties"), jointly move the Court to amend Case Management Order No. 2 ("CMO 2"), D.E. 23. CMO 2 requires that "[d]ocuments that are intended to apply only to a particular action or group of actions (for example, actions set for trial)" should be filed "both in the Master Docket case file and the specified individual case files." D.E. 23 at 3; *see also* Text Order (June 9, 2025) ("In keeping with the courts filing procedures established in CMO 2, all future filings that are intended to apply only to a particular action or group of actions (for example, actions set for trial) should be filed both in the Master Docket case file and the specified individual case files.").

This requirement thus likely requires duplicative filings of numerous exhibits and other attachments where a *Daubert* motion or motion for summary judgment applies to fewer than all cases. In particular, the Parties are preparing to file *Daubert* motions and motions for summary judgment in Phases II and III. Some of those motions may apply to the five bellwether cases for each Track 1 disease, for example; other motions may apply to all twenty-five bellwether cases. Given the nature of Phases II and III, however, it is unlikely the motions would apply to "all cases." And, as prior practice has shown, each motion, in turn, may include

30-40 (or more) supporting exhibits. *See, e.g.*, D.E. 368-1 (listing 38 exhibits attached to the United States' memorandum in support of *Daubert* motion); D.E. 397-1 (listing 42 exhibits in support of PLG's response in opposition). Opening briefs in Phases II and III are both due on September 10, 2025; briefing will be completed on December 12, 2025. *See* D.E. 414.

With regard to Phase II and Phase III briefing, the repetitive filing of exhibits across individual dockets (which will have different docket entry numbers) risks unnecessary confusion and inefficient use of the Parties' resources. Confusion can be avoided, and resources preserved, if only *the motion itself* is filed on both the Master Docket and individual docket(s). Any supporting memoranda, opposition or reply briefs, exhibits, or other related filings would be filed *only* on the Master Docket, so there is one common source of briefing and exhibits. The Parties would be required to file a notice in the individual docket(s), referring back to the appropriate Master Docket filing for any supporting memoranda, opposition or reply briefs, exhibits or other related filings.

In cases consolidated in a Multidistrict Litigation ("MDL"), the Court can automatically distribute filings from the master docket to cases to which the filings apply. Attorneys file a document in the main MDL case which serves as the master docket. Choosing to "spread" the filing in the Electronic Case Filing system allows the filed to be automatically entered in cases that the attorney has selected as relevant to the filing. "This process streamlines the filing and notification process, ensuring that relevant documents are properly recorded and accessible within the individual case dockets as well as the main MDL docket."[1] While these cases have not been consolidated, the notice procedure proposed by this motion serves a similar function of efficiency by obviating the need to perform separate manual

[1] *See* Section 8 https://www.jpml.uscourts.gov/sites/jpml/files/FJC-2008-Ten%20Steps_MDL%20Guide%20for%20Transferee%20Clerks.pdf

electronic docket entry of all filings in each individual case to which a filing might apply.

In addition, there is a high likelihood that many exhibits will be used by both Parties across multiple *Daubert* and motions for summary judgment. This could include, for example, Phase II and Phase III expert reports and deposition transcripts, as well as certain commonly cited studies. Requiring the Parties to file these exhibits with each relevant motion would be duplicative, and laborious. To streamline this process, the Parties have agreed to meet and confer to negotiate two Joint Appendices each to be filed once on the Master Docket, and referred to in both Parties' related *Daubert* and motions for summary judgment. The first Joint Appendix shall include unsealed exhibits; a second Joint Appendix shall include proposed sealed exhibits. An index will be filed along with each Joint Appendix for ease of reference. The Parties reserve their rights to include additional exhibits in support of their Phase II and Phase III briefing. Any cited exhibits *not* included in a Joint Appendix shall be filed in conjunction with the relevant brief on the Master Docket. The Joint Appendices shall be submitted no later than **August 27, 2025**.

On a request from the Court, the United States previously agreed to a similar special filing process for this unique litigation to facilitate service of process. As indicated in Standing Order 23-SO-1, the United States agreed to receive service of Complaints electronically and forego any objection or motion to dismiss under Fed. R. Civ. P. 12(b)(5) for insufficient service of process under Fed. R. Civ. P. 4(i)(1).

A proposed order is attached.

DATED this 7th day of August 2025. Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that, on August 7, 2025, a copy of the foregoing Joint Motion to Amend CMO-2 was served electronically on all counsel of record in this matter through the Court's CM/ECF.

Dated: August 7, 2025

/s/ *Nathan J. Bu*
Nathan J. Bu

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA

IN RE:	)	
CAMP LEJEUNE WATER LITIGATION	)	Case No: 7:23-cv-897
	)	
	)	[PROPOSED] ORDER ON MOTION TO
This Document Relates To: *ALL CASES*	)	AMEND CASE MANAGEMENT ORDER
	)	NO. 2
	)	(CASE MANAGEMENT ORDER NO. 18)

Pursuant to Federal Rules of Civil Procedure 1, 16(c)(2)(L), and 42(a)(3), and good cause having been shown, the Court amends its Case Management Order No. 2 ("CMO 2"), D.E. 23, as follows and hereby orders that:

The Court strikes the last sentence of Paragraph IV.C (Captions and Separate Filings) of CMO-2, reading "A Party should file documents of this nature both in the Master Docket case file and the specified individual case files."

The Court amends Paragraph IV.C (Captions and Separate Filings) of CMO 2 to include "A Party should file motions of this nature both in the Master Docket case file and the specified individual case files. For purposes of Phase II and Phase III *Daubert* motions and motions for summary judgment, however, a Party may file any supporting memoranda, opposition or reply briefs, exhibits, or other filings related to such a motion only in the Master Docket, provided that the Party also files a notice of such filing in the specified individual case files. The notice filed in the specified individual case file shall refer to the appropriate docket entries on the Master Docket.

For the Phase II and Phase III *Daubert* and motions for summary judgment, the Parties shall also file two Joint Appendices of exhibits on the Master Docket. The first Joint Appendix shall include unsealed exhibits; a second Joint Appendix shall include proposed sealed exhibits. Each Joint Appendix shall be filed with an index. The Joint Appendices shall be filed no later than **August 27, 2025**. All Phase II and Phase III *Daubert* and motions for summary judgment shall

refer to the entries on the Joint Appendix when citing to relevant exhibits therein. Cited exhibits *not* included in the Joint Appendix shall be filed in conjunction with the relevant brief on the Master Docket."

SO ORDERED. This ___ day of August, 2025.

_____

Robert B. Jones, Jr.
United States Magistrate Judge