

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

IN RE:

Case Number 7:23-CV-897

CAMP LEJEUNE WATER LITIGATION

MAY 18, 2026
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
Jim Roberts, Esquire
Eric Flynn, Esquire
A. Charles Ellis, Esquire
Hugh R. Overholt, Esquire
Matthew D. Quinn, Esquire
William Michael Dowling, Esquire (Via Telephone)
Robin Greenwald, Esquire (Via Telephone)
Elizabeth Cabraser, Esquire (Via Telephone)

On Behalf of the Defendant:

J. Adam Bain, Esquire
Joshua Carpenito, Esquire
David Ortiz, Esquire
Bridget Bailey Lipscomb, Esquire (Via Telephone)

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

10:50:36AM 1 (Monday, May 18, 2026 at 11:00 a.m.)

11:02:51AM 2 THE COURT: Good morning. Mr. Bell, what do you
11:02:54AM 3 have for us?

11:02:55AM 4 MR. BELL: Good morning, Your Honor. Looks like
11:02:57AM 5 it will be a fairly short status conference, I hope.

11:03:02AM 6 THE COURT: I understand the parties are waiting
11:03:04AM 7 on a lot of decisions from the Court.

11:03:08AM 8 MR. BELL: Well, that is true, Your Honor. But
11:03:10AM 9 I think we also have been working back and forth on a number
11:03:14AM 10 of things to move forward without necessarily the Court's
11:03:18AM 11 help. So we have set out in our status conference what those
11:03:24AM 12 matters are. If you have any questions, we would be glad to
11:03:27AM 13 answer them.

11:03:28AM 14 THE COURT: All right. Mr. Bain?

11:03:31AM 15 MR. BAIN: Your Honor, so the United States has
11:03:34AM 16 made several requests to develop some practical solutions for
11:03:39AM 17 various pretrial issues to enable the parties to efficiently
11:03:43AM 18 prepare for trial and to get there quickly.

11:03:47AM 19 Please recognize that this is not a single case
11:03:48AM 20 before a single District Judge but actually there are a
11:03:51AM 21 number of cases with overlapping and related issues before
11:03:55AM 22 the different Judges that can be managed for efficiency, as
11:03:59AM 23 Your Honor has done for the past 2 plus years.

11:04:03AM 24 To this end, the United States would propose a
11:04:06AM 25 final deadline for discovery supplementation which is fully

11:04:10AM 1 briefed. If you have any questions about that, Mr. Ortiz can
11:04:12AM 2 answer those for you. As part of that, we propose to proceed
11:04:18AM 3 to supplementing and materials considered list and expert
11:04:21AM 4 reports if necessary.

11:04:25AM 5 We proposed an agreement on produced records
11:04:28AM 6 that would relieve the parties of the obligation to amend
11:04:32AM 7 discovery responses, and we also propose a working pretrial
11:04:37AM 8 conference with each of the District Judges.

11:04:40AM 9 So these proposals are all designed to promote
11:04:44AM 10 efficiency and to get these cases to trial quickly. While at
11:04:47AM 11 points PLG has indicated an openness or a willingness to
11:04:52AM 12 engage in some of these proposals, more recently they've
11:04:55AM 13 rejected each of them. If some of these matters are handled
11:04:59AM 14 on an ad hoc basis as PLG seems to want them to be, it will
11:05:05AM 15 almost certainly delay trials and resolutions of these cases.

11:05:09AM 16 So I just wanted to raise that. If you want to
11:05:12AM 17 hear about any of those which are outlined in the joint
11:05:15AM 18 status report, we are happy to address them.

11:05:17AM 19 THE COURT: The supplementation brief is ripe.
11:05:22AM 20 You filed a request for a pretrial conference fairly recently
11:05:30AM 21 and then you mentioned some other ideas. Ideas on what was
11:05:41AM 22 it? Lists and stuff? And documents?

11:05:45AM 23 MR. BAIN: As you recall, Your Honor, last time
11:05:46AM 24 we said that the motion on its final supplementation deadline
11:05:49AM 25 could be held in abeyance because we were trying to work out

11:05:52AM 1 an agreement with the Plaintiffs regarding a supplementation
11:05:55AM 2 deadline and potentially authentication of documents, but we
11:05:59AM 3 were unable to reach an agreement on that. So that was one
11:06:02AM 4 of the other issues.

11:06:03AM 5 The other thing was that we have proposed that
11:06:07AM 6 we have a universal set of documents produced that the
11:06:12AM 7 parties could agree to so the party could not be obliged to
11:06:16AM 8 amend and supplement their written discovery responses to
11:06:19AM 9 identify, for example, which documents were responsive to
11:06:22AM 10 which requests for production. So those are some of the
11:06:24AM 11 things that we've tried to get worked out with the Plaintiffs
11:06:27AM 12 but have been unsuccessful.

11:06:29AM 13 THE COURT: Are there rules that cover this in
11:06:35AM 14 the ordinary course?

11:06:37AM 15 MR. BAIN: There are some rules that do cover it
11:06:39AM 16 in the ordinary course but because of the complexity of this
11:06:41AM 17 case and we think it's consistent with the manual for complex
11:06:45AM 18 litigation we are trying to come up with procedures so that
11:06:48AM 19 these are handled in a uniform way for this litigation and
11:06:52AM 20 that can be done efficiently. We can get these cases to
11:06:56AM 21 trial more quickly.

11:06:58AM 22 THE COURT: Mr. Bell?

11:07:00AM 23 MR. BELL: Your Honor, this keeps coming up over
11:07:02AM 24 and over again. We've tried to work with the DOJ but they
11:07:09AM 25 continue to try to make these decisions different than what

11:07:17AM 1 the federal rules require. And so we keep saying to the
11:07:22AM 2 Government, we will abide by the federal rules. And we think
11:07:25AM 3 that's the way to do it instead of --

11:07:27AM 4 THE COURT: Well, the rules are guidelines.
11:07:29AM 5 Right? You can become more efficient than the rules are.

11:07:32AM 6 MR. BELL: Some of these, Your Honor, if not
11:07:33AM 7 most of them, should be decided by the individual Judges. In
11:07:37AM 8 fact, waiting to have all four Judges decide these would be,
11:07:41AM 9 I think, a burden and would take longer than waiting for each
11:07:46AM 10 Judge.

11:07:46AM 11 For example, Your Honor, authentication of
11:07:49AM 12 medical records and bills and things like that, we have in
11:07:53AM 13 our brief what we proposed is pretty darn simple. And it was
11:07:59AM 14 rejected by the Government.

11:08:00AM 15 So we don't know why the Government continues to
11:08:06AM 16 -- they've probably said this is the fourth status conference
11:08:10AM 17 in a row we believe that individual Judges should do that in
11:08:13AM 18 accordance with their own local procedure and practice.

11:08:17AM 19 Most of the lawyers who have practiced before
11:08:20AM 20 these Judges are familiar with their practice. And these are
11:08:22AM 21 the decisions that are made at the pretrial conference after
11:08:27AM 22 the close of discovery. It's pretty standard in the Eastern
11:08:32AM 23 District. So again, it sounds like, according to the
11:08:35AM 24 Government, we aren't doing our job and we are blocking
11:08:43AM 25 everything. That's far from the truth.

11:08:46AM 1 THE COURT: Anything you want to present to the
11:08:47AM 2 Court, the Court would be happy to review.

11:08:52AM 3 MR. BELL: Nothing that's not in our brief, Your
11:08:53AM 4 Honor.

11:08:54AM 5 THE COURT: Anything else, Mr. Bain?

11:08:55AM 6 MR. BAIN: Yes. We recently learned, in fact,
11:08:59AM 7 shortly after the last status conference that the Hadnot
11:09:05AM 8 Point Water Treatment Plant at Camp Lejeune is scheduled for
11:09:07AM 9 demolition in June. Once we learned that, we informed the
11:09:10AM 10 Plaintiffs of that fact and we had a meet-and-confer last
11:09:14AM 11 week about it.

11:09:16AM 12 The Plaintiffs made a request that their experts
11:09:20AM 13 inspect the water treatment plant, and we rejected that
11:09:25AM 14 request because that discovery has been completed. They had
11:09:28AM 15 a chance to do it at the time the discovery was going on.

11:09:32AM 16 THE COURT: Why inform them of the demolition
11:09:36AM 17 then?

11:09:37AM 18 MR. BAIN: Well, we wanted to make sure we were
11:09:40AM 19 being transparent about it and allow them to bring up any
11:09:43AM 20 issues that they had with it. It's slated to take place in
11:09:48AM 21 June. The Marine Corps needs to know by May 29th whether it
11:09:53AM 22 can go forward with it or not. If it is delayed, it will be
11:09:57AM 23 at significant cost to the Marine Corps.

11:10:02AM 24 We requested PLG to put their response in
11:10:04AM 25 writing to us. We haven't received that yet. The Marine

11:10:10AM 1 Corps, even if it's not demolished in June, they don't plan
11:10:14AM 2 to do any maintenance on it. And there's also some security
11:10:17AM 3 issues that have to be resolved if there is an inspection
11:10:21AM 4 that takes place.

11:10:27AM 5 THE COURT: You said if it's not demolished that
11:10:30AM 6 the Marine Corps is not going to do what?

11:10:33AM 7 MR. BAIN: They're not going to do maintenance
11:10:34AM 8 on it. It will just be there in place. They will not
11:10:37AM 9 continue, for example, to upkeep the plumbing and the
11:10:40AM 10 electricity and things like that.

11:10:42AM 11 THE COURT: And then there's some security
11:10:43AM 12 issues?

11:10:44AM 13 MR. BAIN: Yes. In order for there to be, for
11:10:46AM 14 example, Plaintiffs wanted to do an inspection. I am not
11:10:48AM 15 sure all what that would entail. But photographs of
11:10:54AM 16 infrastructure by third parties are not allowed at the base.

11:10:59AM 17 MR. BELL: Why is it that their experts can do
11:11:01AM 18 that? Take those pictures, do that inspection, but we can't?
11:11:05AM 19 Earlier on, Your Honor heard this issue in regards to --

11:11:09AM 20 THE COURT: This is all closed. This is all
11:11:11AM 21 closed discovery. What does this have to do with anything?

11:11:13AM 22 MR. BELL: It is. But there's Phase II coming
11:11:16AM 23 up. We have Phase III coming up. We may have different
11:11:19AM 24 experts. So all we have asked for, Your Honor, is a chance
11:11:22AM 25 to go do a final inspection before they demolish it. If they

11:11:28AM 1 want to demolish it and something comes up, Your Honor, that
11:11:32AM 2 would have needed an inspection, then that can't be our
11:11:42AM 3 fault. It's an important part of our case, Your Honor,
11:11:46AM 4 preservation of evidence is important as well. So the simple
11:11:53AM 5 answer, Your Honor, would be --

11:11:54AM 6 THE COURT: Is it evidence? 1987 was a long
11:11:59AM 7 time ago.

11:12:00AM 8 MR. BELL: Well, experts have utilized that, I
11:12:03AM 9 mean, have talked about that plant. Yes, sir. If you
11:12:12AM 10 recall, Your Honor, one of the experts in their expert report
11:12:17AM 11 after we presented ours had gone out to the plant and done
11:12:21AM 12 some measurements and observations and photographs. We asked
11:12:26AM 13 the Court to be allowed to go back out. The Government
11:12:29AM 14 objected.

11:12:30AM 15 THE COURT: So that's done. What relevance is
11:12:32AM 16 going back out there now?

11:12:33AM 17 MR. BELL: For this case, I understand, Your
11:12:37AM 18 Honor. But again, if something comes up in the middle of a
11:12:40AM 19 trial that is in dispute, an inspection at that time of the
11:12:44AM 20 trial can resolve that dispute, then we think either we ought
11:12:50AM 21 to be able to preserve the evidence through an inspection now
11:12:53AM 22 or preserve it during the time of trial.

11:12:57AM 23 But even more important, others who haven't had
11:12:59AM 24 a chance to inspect that particular contraption or whatever
11:13:08AM 25 they call it, the unit, certainly would be lost without

11:13:13AM 1 somebody going out and saying we will do an overall
11:13:18AM 2 inspection so others can use it in the future.

11:13:22AM 3 THE COURT: Okay. Well, if there's, if you want
11:13:24AM 4 the Court to weigh in on anything, please file a motion.
11:13:31AM 5 Anything else?

11:13:32AM 6 MR. BAIN: Your Honor, my only concern is that
11:13:35AM 7 the Marine Corps needs to know by May 29th whether they can
11:13:39AM 8 proceed with the demolition. So unless the Plaintiffs file a
11:13:44AM 9 motion, I think that we addressed the issue and notified them
11:13:48AM 10 of that.

11:13:49AM 11 MR. BELL: We were told at the meet-and-confer
11:13:51AM 12 the other day that it wouldn't be a problem waiting a little
11:13:55AM 13 while to tell the Marine Corps that. This is the first time
11:13:57AM 14 they have said that.

11:14:03AM 15 THE COURT: Okay. May 29th is when it's slated
11:14:09AM 16 to be demolished?

11:14:12AM 17 MR. BAIN: That's when they need to know for
11:14:13AM 18 contracting purposes whether it can go forward or not. It's
11:14:16AM 19 slated to be demolished in mid June. So I just learned
11:14:20AM 20 actually this week that they need to know for contracting
11:14:23AM 21 purposes by May 29 is the day they need to give the stop
11:14:27AM 22 order or it will go forward.

11:14:29AM 23 THE COURT: Let me know in the way of a motion
11:14:31AM 24 if you want me to do anything. All right. Anything else?

11:14:35AM 25 MR. BELL: No, Your Honor.

11:14:38AM 1 MR. CARPENITO: Your Honor, if I may briefly, I
11:14:39AM 2 just want to provide an update if the Court will allow it on
11:14:43AM 3 the Rubris. The United States intends to propose the
11:14:47AM 4 Plaintiffs the practical solution under which we would
11:14:51AM 5 identify deficient entries. Those deficient entries would
11:14:55AM 6 have a certain amount of time to become resolved. If they
11:14:58AM 7 remain unresolved at that point, they would be subject to
11:15:01AM 8 dismissal.

11:15:02AM 9 THE COURT: But you've got to move for that
11:15:04AM 10 relief; right? You are not expecting me?

11:15:07AM 11 MR. CARPENITO: That's correct. And on the
11:15:13AM 12 Muster Rolls, I do have a good update that we are processing
11:15:17AM 13 those records and intend to have production complete by the
11:15:20AM 14 end of June. Plaintiffs provided under the third amended
11:15:23AM 15 protective order a signed certification in an email
11:15:26AM 16 correspondence this week.

11:15:27AM 17 They confirmed that the information in these
11:15:30AM 18 documents that we are going to be producing will not be
11:15:33AM 19 shared outside of that group of individuals who have signed
11:15:36AM 20 those certifications. Those are the two updates that I have.

11:15:40AM 21 THE COURT: Okay. Anything from PLG on either
11:15:43AM 22 of those?

11:15:45AM 23 MR. FLYNN: Your Honor, good morning. Eric
11:15:47AM 24 Flynn with Bell Legal Group for PLG. I just wanted to touch
11:15:49AM 25 briefly on the short form complaints. We've spilled a lot of

11:15:54AM 1 ink on this issue. All of these cases are stayed just as a
11:15:59AM 2 baseline. None of these cases are in the Track 1 bellwether.
11:16:04AM 3 None of these cases are active. They are all subject to an
11:16:07AM 4 automatic stay of proceedings. Talking about approximately
11:16:11AM 5 37 or so cases. I think that's right.

11:16:16AM 6 And in many of those instances, missing social
11:16:19AM 7 security numbers reside with the Government so we could ask
11:16:22AM 8 the Government for those social security numbers to then give
11:16:25AM 9 them the social security numbers. As we have seen in a
11:16:28AM 10 number of cases, including the one that was pointed out last
11:16:31AM 11 status conference, Bell Legal Group's problem child, that
11:16:38AM 12 individual Plaintiff was never issued a social security
11:16:40AM 13 number.

11:16:41AM 14 So we are open to hear the Government's
11:16:43AM 15 proposals. We are definitely open-minded. But the idea of
11:16:46AM 16 dismissing stayed cases at this point seems very Draconian
11:16:53AM 17 when these cases should occupy zero percent of this Court's
11:17:00AM 18 attention or time given everything else that's happening with
11:17:03AM 19 the bellwether matters.

11:17:05AM 20 THE COURT: What's the point of doing anything
11:17:07AM 21 with these stayed cases?

11:17:09AM 22 MR. CARPENITO: Well, first and foremost, my
11:17:11AM 23 response would be that Plaintiffs still have an obligation to
11:17:13AM 24 comply with the Court's Order. Second, the parties want to
11:17:16AM 25 ensure that we can proceed effectively in future tracks if

11:17:21AM 1 that becomes necessary.

11:17:23AM 2 Your Honor may recall that when this order was
11:17:25AM 3 issued, it was because we couldn't even begin to get records
11:17:29AM 4 without dates of birth and social security numbers. Now the
11:17:34AM 5 United States became more involved because the Plaintiffs
11:17:38AM 6 asked us to help them satisfy their obligation. But on the
11:17:41AM 7 record, I do want to state that the United States is no
11:17:43AM 8 longer going to be sending letters to the law firms that are
11:17:45AM 9 still outstanding.

11:17:47AM 10 THE COURT: All right.

11:17:48AM 11 MR. FLYNN: Your Honor, I would just respond to
11:17:50AM 12 that. The order was entered for purposes of Track 1. After
11:17:55AM 13 the Track 1 was instituted. So we kind of knew what we were
11:17:58AM 14 talking about.

11:17:59AM 15 THE COURT: Just the ones going forward.

11:18:00AM 16 MR. FLYNN: No. Remember this was the Track 1
11:18:03AM 17 that then became the Track 1 discovery pool Plaintiffs of the
11:18:05AM 18 100 and then the 100 went to 25 and then we got here. We
11:18:09AM 19 don't know that there's going -- the Court hasn't entered a
11:18:18AM 20 Track 2 order. We don't know what the eligibility period is
11:18:18AM 21 for selecting Track 2 bellwethers. We don't know if there's
11:18:20AM 22 Track 3 what those diseases would be. I believe the parties
11:18:24AM 23 submitted proposals for Track 3 diseases.

11:18:27AM 24 THE COURT: Do you know what tracks these are
11:18:28AM 25 on?

11:18:29AM 1 MR. FLYNN: These are just out there. The other
11:18:31AM 2 thing is that we don't really know what they do. All I do
11:18:35AM 3 know for a fact is that absolutely nothing about these cases
11:18:38AM 4 impact anything that is currently pending before the Court.
11:18:40AM 5 These cases have no impact before them.

11:18:43AM 6 To the point that the Government may want to
11:18:45AM 7 make EO offers to these people, I don't even know how many of
11:18:50AM 8 the 37 have EO eligible diseases.

11:18:53AM 9 THE COURT: Is that something that gets worked
11:18:55AM 10 out? Getting the DOBs and SSNs for EO cases?

11:19:02AM 11 MR. FLYNN: I would imagine they did. Until the
11:19:05AM 12 last status conference, none of them were eligible for an EO
11:19:10AM 13 anyway. But then Associate Attorney General Woodward said
11:19:10AM 14 that he had rescinded the guidance saying that filed cases
11:19:14AM 15 were suddenly eligible for the EO.

11:19:16AM 16 THE COURT: Do you think it's likely if those
11:19:18AM 17 were going to go down that track that there would be an
11:19:21AM 18 exchange of that information?

11:19:23AM 19 MR. FLYNN: I think generally, Your Honor, when
11:19:24AM 20 there's potential for settlement dollars clients tend to move
11:19:27AM 21 so I think you can resolve those things. We have a very good
11:19:31AM 22 relationship with the DON when it comes to the EO issues.

11:19:36AM 23 So if the DON asks for information about a
11:19:38AM 24 particular medical diagnosis, we can go and get it. We have
11:19:41AM 25 a way to dial up that. But I just come back, Your Honor, the

11:19:46AM 1 idea of dismissing Plaintiffs at this point when they have
11:19:49AM 2 zero impact on this case seems aggressive. And I am not
11:19:53AM 3 entirely sure why we keep spilling ink in these status
11:19:58AM 4 reports and talking about this.

11:20:00AM 5 THE COURT: Okay. All right. Next meeting?
11:20:07AM 6 How do you all feel about June the 8th? It's a Monday.

11:20:14AM 7 MR. BELL: Your Honor, I brought my wife today,
11:20:20AM 8 Judge, because she can verify. You know what's coming.
11:20:29AM 9 Still with two kids at home and all, Judge, we would like to
11:20:33AM 10 have the next status conference after the --

11:20:50AM 11 THE COURT: The week of the 15th, I've got
11:20:56AM 12 mediations and arraignments throughout that entire week.

11:21:03AM 13 MR. BELL: How about the week of the 21st, Your
11:21:04AM 14 Honor? I know it's a little bit of distance. But, quite
11:21:08AM 15 frankly, if there's anything that comes up, we can
11:21:11AM 16 communicate with you by phone of any emergency.

11:21:18AM 17 THE COURT: How about Monday the 22nd or Tuesday
11:21:21AM 18 the 23rd?

11:21:22AM 19 MR. BELL: Either one of those, Your Honor.

11:21:24AM 20 THE COURT: Mr. Bain, what do you think?

11:21:29AM 21 MR. BAIN: Either of those dates are fine, Your
11:21:31AM 22 Honor.

11:21:32AM 23 THE COURT: Let's keep it Monday. How about
11:21:34AM 24 11:00 a.m. on the 22nd of June?

11:21:37AM 25 MR. BELL: Yes, sir, Your Honor.

11:21:45AM

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THE COURT: Okay. Thank you very much.

11:21:47AM

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(The Status Conference concluded at 11:21 a.m.)

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

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I certify that the foregoing is a correct

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transcript from the record of proceedings in the

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above-entitled matter.

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/s/ Bobbie J. Shanfelder

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Bobbie J. Shanfelder, RDR, CRR

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Official Court Reporter

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Date: May 19, 2026

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