

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

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| <i>IN RE:</i> |) | |
| <i>CAMP LEJEUNE WATER LITIGATION</i> |) | Case No: 7:23-cv-897 |
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| |) | |
| This Document Relates To: <i>ALL CASES</i> |) | JOINT MOTION TO AMEND PRETRIAL |
| |) | SCHEDULING ORDER [DE-630] |
| |) | |
| |) | |

Pursuant to Federal Rules of Civil Procedure 6(b)(1) and 16(b)(4), the Plaintiffs’ Leadership Group (“PLG”) and Defendant United States of America (collectively, “the ‘Parties’”), jointly move the Court to amend the September 17, 2025, Pretrial Scheduling Order [DE-630]. The Parties seek to amend this order to set forth a briefing schedule related to experts opining on “damages and offsets,” “life care planning,” and “home renovation” (collectively referred to as the “Phase IIIb Experts”).

Pursuant to the September 17, 2025 Pretrial Scheduling Order, the Parties completed the “fact discovery limited to the parties’ offset information and potentially corresponding damages information.” Additionally, Plaintiffs produced their amended damage assessment forms and disclosed their expert reports relating to “damages and offsets.” Additionally, the United States disclosed its expert reports relating to “damages and offsets” and Plaintiffs have disclosed its rebuttal expert reports relating to “damages and offsets.” Following these expert disclosures relating to “damages and offsets” information, the Parties have 45 days to complete expert discovery on the Phase IIIb Experts. Such discovery was to be completed by March 5, 2026. [DE-630] Due to scheduling issues, unforeseen illnesses and weather delays, however, the Parties have two limited expert depositions remaining which are scheduled to be complete on March 20, 2026.

The September 17, 2025 Pretrial Scheduling Order [DE-630], stated that “[f]ollowing the[] [Parties’] expert disclosures relating to ‘damages and offsets’ information, the [P]arties will meet and confer in good faith regarding a briefing schedule, if any is necessary, related to experts opining on ‘damages and offsets,’ ‘life care planning,’ and ‘home renovation.’” The Parties have met and conferred and jointly seek to set a briefing schedule with respect to Phase IIIb. While the Parties agree on the proposed schedule deadlines, the Parties disagree as to what kinds of briefing should be included in the proposed briefing schedule. The Parties’ proposals are set forth separately as follows:

(i) The PLG proposes that summary judgment motions pertaining to Phase IIIb issues be served by April 20, 2026, with oppositions to such motions being due 36 days thereafter and replies due 29 days after the oppositions. The PLG further proposes that the deadlines for any *Daubert* motions with respect to Phase IIIb be deferred at this time so the timing of such motions can be set by each judge as part of the pretrial scheduling process once trial dates are established. The PLG submits that this proposal is consistent with Local Civil Rule 7.1(a) and with the Court's Order at DE-818, which was entered subsequent to the Court's Order at DE-630. The PLG further submits that good cause exists for the PLG's requested amendment of the Court's prior Order and that including Phase IIIb *Daubert* motions in the pretrial scheduling process along with other motions relating to the admissibility of evidence allows each judge to manage that judge's docket as the judge deems appropriate. [D.E. 818] 19. ("Furthermore, each judge retains the inherent power to manage actions on that judge's docket subject to determinations made on the Master Docket.") Such timing also allows for the Court to rule on pending motions that may impact the necessity of Phase IIIb *Daubert* motions before such *Daubert* motions are filed thereby promoting judicial economy and preventing unnecessary filings. For example, Plaintiffs' Motion in Limine to Preclude Inappropriate Offset Evidence [D.E. 805] is ripe for decision and the determination of

that motion is likely to have an impact on the need for further motions on Phase IIIb issues.¹

(ii) The United States proposes that the Parties file any *Daubert* motions and motions for summary judgment related to Phase IIIb issues according to a single schedule as previously contemplated by the Court. *See* [DE-630] (“Following the[] expert disclosures relating to ‘damages and offsets’ information, the parties will meet and confer in good faith regarding a briefing schedule, if any is necessary, related to experts opining on ‘damages and offsets,’ ‘life care planning,’ and ‘home renovation.’”). Specifically, the United States proposes that the Parties will have until April 20, 2026, to file any such motions; 36 days to file responses in opposition to any such motions; and 29 days to file replies to any oppositions. The United States understands that the respectively assigned District Judges may decide any *Daubert* motions before or at trial in their discretion, consistent with the Court’s Order at D.E. 818. The United States respectfully submits that filing and briefing a limited number of *Daubert* motions and related summary judgment motions relating to Phase IIIb experts in Spring 2026—which would give each District Judge the option to decide *Daubert* motions before or at trial—provides for expert briefing in a manner consistent with prior expert Phases, advances judicial efficiency and trial preparations, and further, may narrow the issues in dispute at trial.

The Parties have submitted separate proposed orders reflecting their proposals set out above in this Motion.

¹ This joint motion does not impact the Court's ability to decide any pending motions, including the Plaintiffs' Motion in Limine to Preclude Inappropriate Offset Evidence, and this joint motion is not intended to and should not delay the timely start of Track 1 trials.

DATED this 16th day of March, 2026.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that, on March 16, 2026, a copy of the foregoing Joint Motion to Amend Pretrial Scheduling Order [D.E. 630] was served electronically on all counsel of record in this matter through the Court's CM/ECF.

Dated: March 16, 2026

/s/ Michael W. Cromwell
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