

Exhibit 326

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

IN RE:)
)
CAMP LEJEUNE WATER LITIGATION)
)
This Document Relates to:)
All Cases, 7:23-CV-897)
Jefferson Criswell v. USA, 7:23-CV-1482)
Terry F. Dyer v. USA, 7:23-CV-357)
Mark A. Cagiano v. USA, 7:23-CV-569)
Jimmy Laramore v. USA, 7:23-CV-594)
Edward Raymond v. USA, 7:23-CV-546)
Frank Mousser v. USA, 7:23-CV-667)
Allan W. Howard v. USA, 7:23-CV-490)
David W. Fancher v. USA, 7:23-CV-275)
David Downs v. USA, 7:23-CV-1145)
Jacqueline Tukes v. USA, 7:23-CV-1553)
Joseph M. Gleesing v. USA, 7:23-CV-1486)
Vivian Connard, Representative of Stephen)
Matthew Connard v. USA, 7:23-CV-1557)
Bruce W. Hill v. USA, 7:23-CV-28)
Robert Fiolek v. USA, 7:23-CV-62)
Karen Marie Amsler v. USA, 7:23-CV-284)
Frances Carter, Personal Representative of the)
Estate of Ronald Carter v. USA, 7:23-CV-1565)
Robert A. Kidd v. USA, 7:23-CV-1489)
Cometto Davis v. USA, 7:23-CV-43)
Jose Vidana v. USA, 7:23-CV-1575)
Scott Keller v. USA, 7:23-CV-1501)
Edgar Allen Peterson, IV v. USA, 7:23-CV-1576)
Gary McElhiney v. USA, 7:23-CV-1368)
Diane Rothchild v. USA, 7:23-CV-858)
Robert Welch v. USA, 7:23-CV-1503)
Richard Sparks v. USA, 7:23-CV-682)

**PLAINTIFFS' DESIGNATION AND SECOND AMENDED DISCLOSURE OF
PHASE III EXPERT WITNESSES**

Pursuant to Fed. R. Civ. P. 26(a)(2) and the Court's Order of January 2, 2025 (D.E. 312), the Plaintiffs' Leadership Group and the Track 1 Trial Plaintiffs (collectively, "Plaintiffs"), through

undersigned counsel, hereby designate the following Phase III expert witnesses who may be called to offer opinion testimony on the subject of specific causation, damages, and/or other expert disciplines not covered by an earlier phase concerning the Track 1 illnesses (collectively, “Residual Experts”):

KIDNEY CANCER

Pursuant to Fed. R. Civ. P. 26(a)(2)(B), the Track 1 Trial Plaintiffs for kidney cancer, namely Plaintiffs David Downs, David William Fancher, Allan Wayne Howard, Frank W. Mouser, and Jacqueline Jordan Tukes, hereby designate the following retained experts who are providing written reports and may be called upon to offer opinion testimony as Residual Experts:

1. **Irving C. Allen, MBA, PhD**
3981 Buck Mountain Ridge
Blacksburg, VA 24060
2. **Matthew Cooper, MD**
9200 West Wisconsin Avenue
Milwaukee, WI 53226
3. **Joseph J. Del Pizzo, MD**
525 East 68 Street, Starr 946
New York, NY 10065
4. **Michael A. Fryar, MS, CLCP, CRC, RN, CCM, QRP**
999 Lake Hunter Circle, Suite A
Mt. Pleasant, SC 29464
5. **Richard T. Hoppe, MD, FACR**
340 East Edith Avenue
Los Altos, CA 94022
6. **David Y. Josephson, MD, FACS**
8635 West Third Street, Suite 1W
Los Angeles, CA 90048
7. **Yair Lotan, MD**
2001 Inwood WCB3 4th floor
Dallas, TX 75390-9110

8. **Timothy M. Mallon, MD, MPH, MS**
6508 Folded Leaf Square
Columbia, MD 21044
9. **Vitaly Margulis, MD**
2001 Inwood Road
Dallas, TX 75390
10. **Roger B. Moore, Jr., PhD**
301-F Keisler Drive
Cary, NC 27518
11. **Kelly Sakala, CRC, PVE**
722 SW Goodrich St.
Port St. Lucie, FL 34983
12. **Armine K. Smith, MD**
5215 Loughboro Road Northwest, Suite 150
Washington, DC 20016
13. **Chad Staller, JD, MBA, MAC, CVA**
Stephen M. Dripps, M.Fin., CVA
20 Brace Road, Suite 425
Cherry Hill, NJ 08034
14. **Matthew J. Weiss, MD, MBA, FACS**
450 Lakeville Road
New Hyde Park, NY 11042

Pursuant to Fed. R. Civ. P. 26(a)(2)(C), the Track 1 Trial Plaintiffs for kidney cancer also disclose the following witnesses who may provide testimony under Fed. R. Evid. 702, 703, or 705, but are not required to provide a written report. At this time, it is anticipated that the following witnesses will be presented via deposition testimony only. Under Fed. R. Civ. P. 26(a)(2)(C), the Track 1 Trial Plaintiffs for kidney cancer now provide a description of the subject matter on which these witnesses may provide testimony under Fed. R. Evid. 702, 703, or 705 and a summary of the facts and opinions to which the witnesses may testify at trial:

15. **Emily D. Brodin, FNP.** Ms. Brodin is a nurse practitioner at Peoples Community Clinic of Newberg, 1014 N. Springbrook Road, Ste. B, Newberg, OR 97132-2601. Ms. Brodin

was the treating provider for Plaintiff David Downs, and Ms. Brodin may offer testimony under Fed. R. Evid. 702, 703, or 705 regarding her treatment of Mr. Downs, including her findings leading to Mr. Downs' diagnosis with kidney cancer and his subsequent course of medical treatment. Any opinion testimony that Ms. Brodin may offer will be based on her education, training and experience as a physician. Additional details of expected testimony can be found in the transcript of the deposition of Ms. Brodin taken in the present action and in her medical records documenting her care and treatment of Mr. Downs. More specifically, Ms. Brodin is expected to testify about Mr. Downs' compliance with treatment and good glucose management¹; his symptoms including dizziness, lightheadedness, loss of consciousness, depression, neuropathy²; his medical history³; his fall risk⁴; his iron deficiency and orthostatic hypotension⁵; his chronic kidney disease and related lab results⁶; and his need for hospitalization and blood transfusion.⁷ Plaintiff reserves the right to make further deposition designations from Ms. Brodin's August 1, 2024 deposition pursuant to the Court's anticipated pre-trial order.

16. Mary Katherine Garbarini, MS, CGC. Ms. Garbarini is a genetic counselor at the UNC Cancer and Adult Genetics Clinic, 120 Mason Farm Road, 5000D, Genetic Medicine Building, Chapel Hill, NC 27599-7264. Ms. Garbarini was the treating genetic counselor for Plaintiff Jacqueline Tukes, and Ms. Garbarini may offer testimony under Fed. R. Evid. 702, 703, or 705 regarding her treatment of Mrs. Tukes, including results and significance of the genetic testing of Mrs. Tukes. Any opinion testimony that Ms. Garbarini may offer will be based on her education, training and experience as a genetic counselor. Additional details of expected testimony

¹ Dep. of Emily Brodin, FNP, at pp. 29, 77, 80.

² *Id.* at pp. 31-33, 38, 45.

³ *Id.* at pp. 44.

⁴ *Id.* at pp. 45, 58.

⁵ *Id.* at pp. 51-52.

⁶ *Id.* at pp. 55-57, 62.

⁷ *Id.* at pp. 62-64, 66-67.

can be found in the transcript of the deposition of Ms. Garbarini taken in the present action and in her medical records documenting her care and treatment of Ms. Tukes. More specifically, Ms. Garbarini is expected to testify about Ms. Tukes' significant anxiety⁸, that Ms. Tukes' history of two independent cancers within 10 years is highly unusual,⁹ and that genetic testing revealed no association between any genetic variants and her kidney cancer.¹⁰ Plaintiff reserves the right to make further deposition designations from Ms. Garbarini's June 20, 2024 deposition pursuant to the Court's anticipated pre-trial order.

17. Nagesh H. Jayaram, MD. Dr. Jayaram is an oncologist at Southeastern Medical Oncology Center, 239 Station St., Jacksonville, NC 27534. Dr. Jayaram is the treating oncologist for Plaintiff Jacqueline Tukes, and Dr. Jayaram may offer testimony under Fed. R. Evid. 702, 703, or 705 regarding his treatment of Mrs. Tukes, including the past and anticipated future medical care of Mrs. Tukes. Any opinion testimony that Dr. Jayaram may offer will be based on his education, training and experience as an oncologist. Additional details of expected testimony can be found in the transcript of the deposition of Dr. Jayaram taken in the present action and in his medical records documenting his care and treatment of Ms. Tukes. More specifically, Dr. Jayaram is expected to testify about his understanding that, to a reasonable degree of medical certainty, there is a causal relationship between exposure to Camp Lejeune water and various cancers, including kidney cancer¹¹; to his opinion that, to a reasonable degree of medical certainty, the cause of Mr. Tukes' cancer was her exposure to water at Camp Lejeune¹²; that genetic testing revealed no association between any genetic variants or mutations and her kidney cancer¹³; that the

⁸ Dep. of Mary Garbarini at pp. 38.

⁹ *Id.* at pp. 54-55.

¹⁰ *Id.* at pp. 55-63.

¹¹ Dep. of Nagesh Jayaram, MD at pp. 13-17.

¹² *Id.* at pp. 19.

¹³ *Id.* at pp. 21, 71.

likelihood of hereditary cause of Ms. Tukes' kidney cancer is minimal¹⁴; that hypertension is generally not a risk factor for kidney cancer¹⁵; that Ms. Tukes has undergone multiple nephrectomies¹⁶; that it is unlikely that Ms. Tukes could endure another partial nephrectomy¹⁷; that Ms. Tukes has experienced kidney cysts and other complications in addition to multiple kidney cancers¹⁸; that, as of 2019, Ms. Tukes' had reduced kidney function, may suffer kidney failure, and would need to be on dialysis¹⁹; that being on dialysis would reduce quality of life²⁰; that her cancer was multifocal, which is rare²¹; factors that are and are not risk factors for kidney cancer²²; that in 2023 another lesion was identified in her remaining kidney and the treatment and difficulties that would follow, including removal of her remaining kidney and dialysis²³; that she underwent kidney transplant in 2024²⁴; that people who have undergone dialysis have an increased mortality rate²⁵; and that he transplanted kidney will have a relatively short lifespan.²⁶ Plaintiff reserves the right to make further deposition designations from Dr. Jayaram's June 6, 2024 deposition pursuant to the Court's anticipated pre-trial order.

18. Theresa M. Koppie, MD. Dr. Koppie is a urologic oncologist at Willamette Urology PC, 2973 12th St. SE, Salem, OR 97302-3162. Dr. Koppie was a treating urologic oncologist for Plaintiff David Downs, and Dr. Koppie may offer testimony under Fed. R. Evid. 702, 703, or 705 regarding her treatment of Mr. Downs, including the performance of a

¹⁴ *Id.* at pp. 20.

¹⁵ *Id.* at pp. 28.

¹⁶ *Id.* at pp. 43.

¹⁷ *Id.* at pp. 32-33.

¹⁸ *E.g., id.* at pp. 38-39.

¹⁹ *E.g., id.* at pp. 44.

²⁰ *Id.* at pp. 49.

²¹ *Id.* at pp. 60.

²² *Id.* at pp. 61.

²³ *Id.* at pp. 65, 72-74.

²⁴ *Id.* at pp. 75.

²⁵ *Id.* at pp. 77.

²⁶ *Id.* at pp. 79.

nephrectomy on Mr. Downs. Any opinion testimony that Dr. Koppie may offer will be based on her education, training and experience as a urologic oncologist. Additional details of expected testimony can be found in the transcript of the deposition of Dr. Koppie taken in the present action and in her medical records documenting her care and treatment of Mr. Downs. More specifically, Dr. Koppie is expected to testify about Mr. Downs' good health at the time of surgery,²⁷ that he was a model patient,²⁸ about his nephrectomy, about cysts on his remaining kidney,²⁹ and about her performing hand-assisted nephrectomy.³⁰ Plaintiff reserves the right to make further deposition designations from Dr. Koppie's August 1, 2024 deposition pursuant to the Court's anticipated pre-trial order.

19. Kelly Miller, MD/PhD. Dr. Miller is a medical oncologist at Kettering Health Cancer Care, 3700 Southern Blvd, Ste. 401, Kettering, OH 45429. Dr. Miller is the treating medical oncologist for Plaintiff Allan W. Howard, and Dr. Miller may offer testimony under Fed. R. Evid. 702, 703, or 705 regarding her treatment of Mr. Howard, including the past and anticipated future medical treatment of Mr. Howard's non-Hodgkin lymphoma. Any opinion testimony that Dr. Miller may offer will be based on her education, training and experience as a medical oncologist. Additional details of expected testimony can be found in the transcript of the deposition of Dr. Miller taken in the present action and in her medical records documenting her care and treatment of Mr. Howard. More specifically, in addition to general discussion of Mr. Howard's course of treatment, Dr. Miller is expected to testify about Mr. Howard's compliance with treatment,³¹ and that his kidney removal prevents him from having CT scan with contrast.³² Plaintiff reserves the

²⁷ Dep. of Theresa Koppie, MD at pp. 41.

²⁸ *Id.*

²⁹ *Id.* at pp. 64.

³⁰ *Id.* at pp. 95.

³¹ Dep. of Kelly Miller, MD at pp. 26.

³² *Id.* at pp. 90.

right to make further deposition designations from Dr. Howard's May 29, 2024 deposition pursuant to the Court's anticipated pre-trial order.

BLADDER CANCER

Pursuant to Fed. R. Civ. P. 26(a)(2)(B), the Track 1 Trial Plaintiffs for bladder cancer, namely Plaintiffs Terry F. Dyer, Jefferson Criswell, Jimmy Laramore, Mark A. Cagiano, and Edward Raymond, hereby designate the following retained experts who are providing written reports and may be called upon to offer opinion testimony as Residual Experts:

1. **Steven B. Bird, MD**
6 Laurel Ridge Lane
Shrewsbury, MA 01545
2. **Vincent Michael Bivins, MD**
3485 Independence Drive
Homewood, AL 35209
3. **Benjamin Hatten, MD, MPH**
Toxicology Associates, PLLC
26 West Dry Creek Circle, Suite 815
Littleton, CO 80120
4. **Thomas Longo, MD**
Associated Urologists of North Carolina, PA
160 MacGregor Pines Drive
Cary, NC 27511
5. **John P. Sfakianos, MD**
Professor, Urologic Oncology
Department of Urology, Icahn School of Medicine at Mount Sinai
5 East 98th street, 6th floor
New York, New York 10029-6574
6. **Haresh Tharwani, M.D.**
MD Psychiatry & Emotional Health, PLLC
430 Waverly Place, Suite 314
Cary, NC 27518-7414
7. **Michael A. Fryar, MS, CLCP, CRC, RN, CCM, QRP**
999 Lake Hunter Circle, Suite A
Mt. Pleasant, SC 29464

8. **Chad Staller, JD, MBA, MAC, CVA**
Stephen M. Dripps, M.Fin., CVA
20 Brace Road, Suite 425
Cherry Hill, NJ 08034

LEUKEMIA

Pursuant to Fed. R. Civ. P. 26(a)(2)(B), the Track 1 Trial Plaintiffs for leukemia, namely Plaintiffs Bruce Wayne Hill, Joseph Mark Gleesing, Robert J. Fiolek, Vivian Connard (on behalf of decedent Stephen Matthew Connard), and Karen Marie Amsler, hereby designate the following retained experts who are providing written reports and may be called upon to offer opinion testimony as Residual Experts:

1. **Dean W. Felsher, MD, PhD**
Stanford University School of Medicine
Center for Clinical Sciences Research (CCSR) Building
269 Campus Drive
Stanford, CA 94305-5151
2. **Lukasz P. Gondek, MD, PhD**
1340 Smith Avenue, Suite 200
Baltimore, MD 21209
3. **Damian A. Laber, M.D., F.A.C.P.**
Moffitt Cancer Center at International Plaza
4101 Jim Walter Blvd
Tampa, FL 33607
4. **Michael A. Fryar, MS, CLCP, CRC, RN, CCM, QRP**
999 Lake Hunter Circle, Suite A
Mt. Pleasant, SC 29464
5. **Chad Staller, JD, MBA, MAC, CVA**
Stephen M. Dripps, M.Fin., CVA
20 Brace Road, Suite 425
Cherry Hill, NJ 08034

NON-HODGKIN LYMPHOMA

Pursuant to Fed. R. Civ. P. 26(a)(2)(B), the Track 1 Trial Plaintiffs for non-Hodgkin Lymphoma, namely Plaintiffs Frances Carter (on behalf of decedent Ronald Carter), Cometto J. Davis, Scott Richard Keller, Robert Arnold Kidd, Sr., and Jose Antonio Vidana, hereby designate the following retained experts who are providing written reports and may be called upon to offer opinion testimony as Residual Experts:

1. **Richard T. Hoppe, MD, FACR**
340 East Edith Avenue
Los Altos, CA 94022

2. **Dean W. Felsher, MD, PhD**
Stanford University School of Medicine
Center for Clinical Sciences Research (CCSR) Building
269 Campus Drive
Stanford, CA 94305-5151

3. **Howard Hu, MD, MPH, ScD**
Dept of Population and Public Health Sciences
Keck School of Medicine of USC
Soto Street Building, Room 225D
1845 N Soto Street
Los Angeles, CA 90089-9239

4. **Paul J. Michaels, M.D.**
4000 Beach Loop Road
Bandon, Oregon 97411

Pursuant to Fed. R. Civ. P. 26(a)(2)(C), the Track 1 Trial Plaintiffs for NHL also disclose the following witnesses who may provide testimony under Fed. R. Evid. 702, 703, or 705, but are not required to provide a written report. At this time, it is anticipated that the following witnesses will be presented via deposition testimony only. Under Fed. R. Civ. P. 26(a)(2)(C), the Track 1 Trial Plaintiffs for NHL now provide a description of the subject matter on which these witnesses may provide testimony under Fed. R. Evid. 702, 703, or 705 and a summary of the facts and opinions to which the witnesses may testify at trial:

5. **Nagesh H. Jayaram, MD.** Dr. Jayaram is an oncologist at Southeastern Medical Oncology Center, 239 Station St., Jacksonville, NC 27534. Dr. Jayaram is the treating oncologist for Plaintiff Cometto Davis, and Dr. Jayaram may offer testimony under Fed. R. Evid. 702, 703, or 705 regarding his treatment of Mr. Davis, including the past and anticipated future medical care of Mr. Davis. Any opinion testimony that Dr. Jayaram may offer will be based on his education, training and experience as an oncologist. Additional details of expected testimony can be found in the transcript of the deposition of Dr. Jayaram taken in the present action and in his medical records documenting his care and treatment of Mr. Davis. More specifically, Dr. Jayaram is expected to testify about his understanding that, to a reasonable degree of medical certainty, there is a causal relationship between exposure to Camp Lejeune water and various cancers, including NHL³³; to his opinion that, to a reasonable degree of medical certainty, the cause of Mr. Davis' cancer was his exposure to water at Camp Lejeune³⁴; that Mr. Davis was diagnosed with multiple myeloma³⁵; that multiple myeloma may be a secondary condition of his NHL³⁶; that Davis has no other known co-morbidities³⁷; and that a stem cell transplant may be necessary if his NHL returns.³⁸ Plaintiff reserves the right to make further deposition designations from Dr. Jayaram's April 29, 2024 deposition pursuant to the Court's anticipated pre-trial order.

PARKINSON'S DISEASE

Pursuant to Fed. R. Civ. P. 26(a)(2)(B), the Track 1 Trial Plaintiffs for Parkinson's Disease, namely Plaintiffs Gary McElhiney, Edgar Peterson, Diane Rothchild, Richard Sparks and Robert

³³ Dep. of Nagesh Jayaram, MD, April 29, 2024, at pp. 20-29.

³⁴ *Id.* at pp. 20-29, 36-37, 40, 101, 103.

³⁵ *Id.* at pp 86-97

³⁶ *Id.*

³⁷ *Id.* at pp. 103.

³⁸ *Id.* at pp. 96-97.

Welch, hereby designate the following retained experts who are providing written reports and may be called upon to offer opinion testimony as Residual Experts:

1. **Chad Staller, JD, MBA, MAC, CVA**
20 Brace Road, Suite 425
Cherry Hill, NJ 08034
2. **Kay Hairston, BSN, RN, CCN, CNLCP**
8531 Veterans Highway, 3rd Floor
Millersville, MD 21108
3. **Heidi Schwarz, MD, FAAN**
919 Westfall Road, Building C
Rochester, NY 14618
4. **Richard Barbano, MD, PhD, FAAN**
919 Westfall Road, Building C, Suite 100
Rochester, NY 14618
5. **Kristin Andruska, MD, PhD**
825 Pollard Road
Los Gatos, CA 95032
6. **Michael A. Fryar, MS, CLCP, CRC, RN, CCM, QRP**
999 Lake Hunter Circle, Suite A
Mt. Pleasant, SC 29464
7. **Eric Anderson**
Accessible Housing Services
104 Church Lane
Pikesville, MD 21208

Pursuant to Fed. R. Civ. P. 26(a)(2)(C), the Track 1 Trial Plaintiffs for Parkinson's Disease also disclose the following witnesses who may provide testimony under Fed. R. Evid. 702, 703, or 705, but are not required to provide a written report. At this time, it is anticipated that the following witnesses will be presented via deposition testimony only. Under Fed. R. Civ. P. 26(a)(2)(C), the Track 1 Trial Plaintiffs for Parkinson's Disease now provide a description of the

subject matter on which these witnesses may provide testimony under Fed. R. Evid. 702, 703, or 705 and a summary of the facts and opinions to which the witnesses may testify at trial:

8. Carolyn Neff, MD. Dr. Neff is a neurologist at Kaiser Permanente, OC Anaheim Medical Center and OC Irvine Medical Center. Dr. Neff is a treating neurologist for Plaintiff Robert Welch, and Dr. Neff may offer testimony under Fed. R. Evid. 702, 703, or 705 regarding her treatment of Mr. Welch, including the past and anticipated future medical treatment of Mr. Welch's Parkinson's Disease. Any opinion testimony that Dr. Neff may offer will be based on her education, training and experience as a neurologist. Additional details of expected testimony can be found in the transcript of the deposition of Dr. Neff taken in the present action and in her medical records documenting her care and treatment of Mr. Welch. More specifically, Dr. Neff is expected to testify about Mr. Welch's Parkinson's symptoms such as tremors, loss of taste/smell, constipation, anxiety and depression³⁹, his risk factors for Parkinson's disease⁴⁰, that his exposure to trichloroethylene could have been a risk factor⁴¹ to his development of Parkinson's disease and his need for future care and treatment.⁴² Plaintiff reserves the right to make further deposition designations from Dr. Neff's April 26, 2024 deposition pursuant to the Court's anticipated pre-trial order.

8. Tulio Bertorini, MD. Dr. Bertorini is a neurologist at Semmes Murphey Clinic, 6325 Humphreys Blvd., Memphis, TN 38120. Dr. Bertorini is a treating neurologist for Plaintiff Edgar Peterson, and Dr. Bertorini may offer testimony under Fed. R. Evid. 702, 703, or 705 regarding his treatment of Mr. Peterson, including the past and anticipated future medical treatment of Mr. Peterson's Parkinson's Disease. Any opinion testimony that Dr. Bertorini may offer will be

³⁹ Dep. of Carolyn Neff, M.D. at pp. 47-48.

⁴⁰ *Id.* at pp. 52-53.

⁴¹ *Id.* at pp. 53, 56-57, 60.

⁴² *Id.* at pp. 45, 49-50.

based on his education, training and experience as a neurologist. Additional details of expected testimony can be found in the transcript of the deposition of Dr. Bertorini taken in the present action and in his medical records⁴³ documenting his care and treatment of Mr. Peterson. More specifically, Dr. Bertorini is expected to testify about Mr. Peterson's diminished life expectancy⁴⁴, the risk factors for Parkinson's disease⁴⁵, Mr. Peterson's neurological symptoms like tremors, slow movements, difficulty walking, and cognitive issues⁴⁶, and that to a reasonable degree of medical certainty that Mr. Peterson's Parkinson's disease could have been caused by his presence at Camp Lejeune.⁴⁷ Plaintiff reserves the right to make further deposition designations from Dr. Bertorini's May 1, 2024 deposition pursuant to the Court's anticipated pre-trial order.

9. Vera Huffnagle, MD. Dr. Huffnagle is a neurologist at Dickson Medical Associates, 758 Hwy 46 S., Dickson, TN 37055. Dr. Huffnagle is a treating neurologist for Plaintiff Gary McElhiney, and Dr. Huffnagle may offer testimony under Fed. R. Evid. 702, 703, or 705 regarding her treatment of Mr. McElhiney, including Mr. McElhiney's symptoms and diagnosis of Parkinson's Disease, and his past and anticipated future medical treatment for his Parkinson's Disease. Any opinion testimony that Dr. Huffnagle may offer will be based on her education, training and experience as a neurologist. Additional details of expected testimony can be found in the transcript of the deposition of Dr. Huffnagle, specifically including: her investigation into the contaminated water at Camp Lejeune⁴⁸; Mr. McElhiney being a very reliable, truthful and compliant patient⁴⁹; Dr. Huffnagle's diagnosis of Mr. McElhiney with Parkinson's

⁴³ Dep. of Tulio Bertorini, M.D. at p. 29, L. 20-23.

⁴⁴ *Id.* at p. 66.

⁴⁵ *Id.* at pp. 68-73.

⁴⁶ *Id.* at pp 50-51.

⁴⁷ *Id.* at pp. 73-75, 78-80, 85.

⁴⁸ Dep. of Vera Huffnagle, M.D. at p. 17:12 – 18:20.

⁴⁹ *Id.* at p. 37:3-5.

Disease on July 10, 2018, years before the Camp Lejeune Justice Act was passed⁵⁰; that Dr. Huffnagle correlated Mr. McElhiney's Parkinson's Disease to his TCE-PCE exposure⁵¹; that Dr. Huffnagle made a clinical, differential diagnosis of Parkinson's Disease⁵²; that musculoskeletal and Parkinson's Disease symptoms look completely different⁵³; that Mr. McElhiney's Parkinson's Disease is not idiopathic⁵⁴; that Dr. Huffnagle can state to a reasonable degree of medical certainty that it is at least as likely that the contaminated water at Camp Lejeune was a causative factor in Mr. McElhiney getting Parkinson's Disease⁵⁵; that Parkinson's disease is progressive and there is no cure⁵⁶; that Mr. McElhiney's Parkinson's Disease is progressing at a faster than normal pace⁵⁷; Mr. McElhiney's symptoms will progress and worsen over time⁵⁸; and, while it is possible there are other contributing factors to Mr. McElhiney's Parkinson's Disease, the TCE and PCE at Camp Lejeune were the predominant cause.⁵⁹ All of the testimony anticipated from Dr. Huffnagle will be from her deposition taken in the present action and in her medical records documenting her care and treatment of Mr. McElhiney. Plaintiff reserves the right to make further deposition designations from Dr. Huffnagle's April 18, 2024 deposition pursuant to the Court's anticipated pre-trial order.

10. Heather Koons, MD. Dr. Koons is a neurologist at Vanderbilt Medical Center, in the movement disorders clinic, 1301 Medical Center Dr # 3930, Nashville, TN 37232. Dr. Koons is a treating neurologist for Plaintiff Gary McElhiney, and Dr. Koons may offer testimony under

⁵⁰ *Id.* at pp. 47:25 – 48:10; 73:10 – 75:21.

⁵¹ *Id.* at pp. 64:7 – 65:2, see Ex. 7 to deposition.

⁵² *Id.* at pp. 66:14 – 67:21.

⁵³ *Id.* at pp. 70:18 – 72:19.

⁵⁴ *Id.* at p. 74:17-18.

⁵⁵ *Id.* at pp. 105:5 – 107:3.

⁵⁶ *Id.* at pp. 107:6-12, 114:20-22.

⁵⁷ *Id.* at pp. 108:23 – 109:19.

⁵⁸ *Id.* at pp. 114:23 – 115:5.

⁵⁹ *Id.* at p. 121:11-23.

Fed. R. Evid. 702, 703, or 705 regarding her treatment of Mr. McElhiney, including the past and anticipated future medical treatment of Mr. McElhiney's Parkinson's Disease. Any opinion testimony that Dr. Koons may offer will be based on her education, training and experience as a neurologist. Additional details of expected testimony can be found in the transcript of the deposition of Dr. Koons, specifically including: her diagnosis of Parkinson's Disease and all related symptoms⁶⁰; that Mr. McElhiney's history of head trauma was not relevant to his Parkinson's Disease⁶¹; Mr. McElhiney's isolated head injuries were not the volume or time course to support a cause of Parkinson's Disease⁶²; that Mr. McElhiney's knee and back pain were not impacting or confusing the issue of Parkinson's Disease⁶³; and Mr. McElhiney's present condition and prognosis.⁶⁴ All of the testimony anticipated from Dr. Koons will be from the deposition taken in the present action and in her medical records documenting her care and treatment of Mr. McElhiney. Plaintiff reserves the right to make further deposition designations from Dr. Koons' May 14, 2024 deposition pursuant to the Court's anticipated pre-trial order.

11. Daniel Sherwood, MD. Dr. Sherwood is a family medicine physician at Dickson Medical Associates, 2340 Fairview Blvd., Suite 100, Fairview, TN 37062. Dr. Sherwood is a treating physician for Plaintiff Gary McElhiney, and Dr. Sherwood may offer testimony under Fed. R. Evid. 702, 703, or 705 regarding his treatment of Mr. McElhiney, including the past and anticipated future medical treatment of Mr. McElhiney's Parkinson's Disease. Any opinion testimony that Dr. Sherwood may offer will be based on his education, training and experience as a family medicine physician. Additional details of expected testimony can be found in the

⁶⁰ Dep. of Heather Koons, M.D. at 35:15 – 37:25; 38:1-19; 46:5 – 49:21

⁶¹ Id. at p. 25:12-24.

⁶² Id. at p. 26:15-19.

⁶³ Id. at 27:23 – 28:12.

⁶⁴ Id. at pp. 60:11- 76:24; 80:21 – 82:2.

transcript of the deposition of Dr. Sherwood, specifically including: that he is Mr. McElhiney's primary care physician⁶⁵; that Mr. McElhiney's exposure to TCE and PCE at Camp Lejeune more likely than not played a role in his acquiring Parkinson's Disease⁶⁶; that he diagnosed Mr. McElhiney with a mild neuro-cognitive disorder on August 23, 2023⁶⁷; nothing he has seen in his care of Mr. McElhiney contradicts the diagnosis of Parkinson's Disease and that it is progressive⁶⁸; that he has noted both motor and non-motor symptoms in Mr. McElhiney's care⁶⁹; and that it is at least as likely as not that Mr. McElhiney's Parkinson's Disease is a result of his exposure to Camp Lejeune water as any other possible cause.⁷⁰ All of the testimony anticipated from Dr. Sherwood will be taken from the deposition taken in the present action and in his medical records documenting his care and treatment of Mr. McElhiney. Plaintiff reserves the right to make further deposition designations from Dr. Sherwood's April 25, 2024 deposition pursuant to the Court's anticipated pre-trial order.

12. Joel Perlmutter, MD. Dr. Perlmutter is a neurologist and a professor of neurology at Washington University – St. Louis, 4525 Scott Avenue, St. Louis, MO, 63110. Dr. Perlmutter is a treating neurologist for Plaintiff Diane Rothchild, and Dr. Perlmutter may offer testimony under Fed. R. Evid. 702, 703, or 705 regarding his treatment of Ms. Rothchild, including the past and anticipated future medical treatment of Ms. Rothchild's Parkinson's Disease. Any opinion testimony that Dr. Perlmutter may offer will be based on his education, training and experience as a neurologist. Additional details of expected testimony can be found in the transcript of the deposition of Dr. Perlmutter taken in the present action and in his medical records documenting

⁶⁵ Dep. of Daniel Sherwood, M.D. at pp. 27:25 – 28:6.

⁶⁶ Id. at p. 17:6-16.

⁶⁷ Id. at pp. 75:16-76:24.

⁶⁸ Id. at p. 90:14 – 91:1.

⁶⁹ Id. at 91:3-20.

⁷⁰ Id. at p. 95:19-25

his care and treatment of Ms. Rothchild. More specifically, Dr. Perlmutter is expected to testify about Ms. Rothchild's risk factors for Parkinson's disease⁷¹, her neurological symptoms including tremors, stiff handwriting, motor slowness, and stumbling while walking⁷², and the literature and data Dr. Perlmutter has read suggesting that Parkinson's disease may be more likely in people who have been exposed to/been at Camp Lejeune.⁷³ Plaintiff reserves the right to make further deposition designations from Dr. Perlmutter's May 3, 2024 deposition pursuant to the Court's anticipated pre-trial order.

ALL TRACK 1 TRIAL PLAINTIFFS

Pursuant to Fed. R. Civ. P. 26(a)(2)(B), all Track 1 Trial Plaintiffs hereby designate the following retained expert who is providing a written report and may be called upon to offer opinion testimony a Residual Expert:

1. **Kelly A. Reynolds, MSPH, PhD**
1295 N. Martin Ave.
Mel and Enid Zuckerman College of Public Health
Tucson, Arizona 85724

CONCLUSION

Plaintiffs make the above amended disclosures subject to the reservation of all rights allowed by the Federal Rules of Civil Procedure, Rules of Evidence, Local Rules, and applicable case law, including the right to supplement or amend this designation in order to address any opinions by Defendant United States of America's experts, the right to offer amended and/or supplemental opinions based on new records, testimony or information, the right to call any of the

⁷¹ Dep. of Joel Perlmutter, M.D. at pp. 60-66, 68-69.

⁷² *Id.* at p. 47-48.

⁷³ *Id.* at p. 73.

above experts as a rebuttal or impeachment witness at trial, and the right to call any expert witness designated or identified by Defendant United States of America.

This 31st day of March 2025.

BELL LEGAL GROUP, LLC

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Lead Counsel for Plaintiffs

CERTIFICATE OF SERVICE

This is to certify that on the below-indicated date, I served a copy of the foregoing document upon counsel for Defendant United States of America by electronic mail at the following email address: adam.bain@usdoj.gov and Haroon.Anwar@usdoj.gov.

This the 31st day of March 2025.

BELL LEGAL GROUP, LLC

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