

# Exhibit 390

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:	)	Case Nos.:
	)	
ALL CASES	)	7:23-CV-897
	)	
DAVID DOWNS	)	7:23-CV-01145-BO
	)	
DAVID WILLIAM FANCHER	)	7:23-CV-00275-BO-BM
	)	
ALLAN WAYNE HOWARD	)	7:23-CV-00490-BO
	)	
FRANK W. MOUSSER	)	7:23-CV-00667-BO-RN
	)	
JACQUELINE JORDAN TUKES	)	7:23-CV-01553-BO-BM

**PLAINTIFFS’ DESIGNATION AND DISCLOSURE OF PHASE III EXPERT  
WITNESSES WITH RESPECT TO KIDNEY CANCER TRIAL PLAINTIFFS**

**MATERIALS CONSIDERED LIST FOR RICHARD T. HOPPE’S REPORT ON  
PLAINTIFF ALLAN W. HOWARD**

Pursuant to Fed. R. Civ. P. 26(a)(2)(B)(ii) and the Stipulated Order Regarding Expert Discovery (Case Management Order No. 17) (D.E. 305), Plaintiffs hereby identify the facts, data, and publications considered by Richard T. Hoppe, MD, FACR, FASTRO, FARS (“Dr. Hoppe”) in forming his opinions set forth in his report concerning Plaintiff Allan W. Howard served on February 7, 2025 (the “Report”).

Dr. Hoppe’s Report contains a thorough statement of the facts, data, and publications that he considered in forming his opinions, including a section entitled “This Evaluation.” Plaintiffs incorporate all facts, data, and publications referenced in Dr. Hoppe’s Report as if fully listed herein. Unless otherwise stated below, any facts, data or publications cited in Dr. Hoppe’s Report

are either publicly accessible or were previously produced to the government by Plaintiffs. Plaintiffs specifically identify the following facts, data, and publications considered by Dr. Hoppe in forming his opinions for Allan W. Howard:

1. Plaintiff Allan W. Howard's Amended Short Form Complaint;
2. Plaintiff Allan W. Howard's Third Amended Short Form Complaint;
3. November 26, 2024 Declaration of Allan W. Howard, produced contemporaneously with the present Materials Considered List;
4. January 30, 2025 Declaration of Allan W. Howard, produced contemporaneously with the present Materials Considered List;
5. Transcripts of the depositions of Plaintiff Allan W. Howard, Elizabeth Howard, James Pieckenbrock, Ahmad Shabsigh, MD, Kelly Miller, MD, Saba I. Qureshi, MD, David A. Savitz, PhD, and all documents marked as exhibits therein;
6. Defendant United States of America's Supplemental Response to Plaintiffs' Leadership Group's First Set of Interrogatories to Defendant United States of America Concerning Track 1 Discovery Pool Plaintiffs – Allan W. Howard (April 3, 2024);
7. Defendant United States of America's Second Supplemental Response to Plaintiff's Leadership Group's First Set of Interrogatories to Defendant United States of America Concerning Track 1 Discovery Pool Plaintiffs – Allan W. Howard (September 11, 2024);
8. Discovery Pool Profile Form for Allan W. Howard (bates number 00490\_HOWARD\_DPPF\_0000000001-0000000022);
9. Allan W. Howard Exposure Profile/Chart, produced contemporaneously herewith;
10. Allan W. Howard Military and/or Housing Records (00490\_HOWARD\_NARA\_0000000112 and 00490\_HOWARD\_NARA\_0000000123);

11. Expert Report of Morris L. Maslia, PE, DWRE, DEE, Fellow EWRI, including Appendices H1, J, and K;
12. Allan W. Howard's Medical Records as set forth in Exhibit A hereto;
13. Allan W. Howard's Medical Expenses (bates number 00490\_HOWARD\_0000000312-0000004709);
14. Non-Hodgkin Lymphoma General Causation Expert Reports for Dean W. Felsher, MD, PhD, Kathleen M. Gilbert, PhD, Steven B. Bird, MD, and Howard Hu, MD, MPH, ScD;
15. Cohn P, Klotz J, Bove, FJ, Berkowitz M, Fagliano, J. Drinking Water Contamination and the Incidence of Leukemia and Non-Hodgkin's Lymphoma. June 1994;
16. ATSDR. Morbidity Study of Former Marines, Employees, and Dependents Potentially Exposed to Contaminated Drinking Water at U.S. Marine Corps Base Camp Lejeune; April, 2018 (bates number CLJA\_HEALTHEFFECTS-0000000214);
17. ATSDR. Public Health Assessment for Camp Lejeune Drinking Water- U.S. Marine Corps Base Camp Lejeune, North Carolina, January 20, 2017 (bates number CLJA\_HEALTHEFFECTS-0000000011);
18. Bove FJ, Greek A, Gatiba R, Boehm RC, Mohnsen MM. Evaluation of mortality among Marines, Navy personnel, and civilian workers exposed to contaminated drinking water at USMC base Camp Lejeune: a cohort study. *Environ Health*. 2024;23(1):61. Published 2024 Jul 3;
19. Bove FJ, Ruckart PZ, Maslia M, Larson TC. Evaluation of mortality among marines and navy personnel exposed to contaminated drinking water at USMC base Camp Lejeune: a retrospective Bove FJ, Ruckart PZ, Maslia M, Larson TC. Mortality study of civilian employees exposed to contaminated drinking water at USMC Base Camp Lejeune: a retrospective

cohort study. *Environ Health*. 2014;13:68. Published 2014 Aug 13. cohort study. *Environ Health*. 2014;13(1):10. Published 2014 Feb 19 (bates number CLJA\_HEALTHEFFECTS-0000141103);

20. Maslia ML, Aral MM, Ruckart PZ, Bove FJ. Reconstructing Historical VOC Concentrations in Drinking Water for Epidemiological Studies at a U.S. Military Base: Summary of Results. *Water (Basel)*. 2016;

21. All facts and data listed herein are either identified by bates number or are otherwise accessible by Defendant United States of America;

22. Dr. Hoppe reserves the right to review and consider additional facts, data and publications;

23. Dr. Hoppe reserves the right to consider the report of any other witness in this action; and

24. Dr. Hoppe reserves the right to supplement this Materials Considered List.

# EXHIBIT A

<b>MEDICAL RECORD BATES NUMBER RANGES</b>
00490 HOWARD 000000001-233
00490 HOWARD 0000000234-251
00490 HOWARD 0000000252-254
00490 HOWARD 0000000255-364
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FOLDER: Imaging Records (No Bates)