

Exhibit 403

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**

**MATERIALS CONSIDERED LIST FOR TIMOTHY M. MALLON'S REPORT ON
PLAINTIFF DAVID DOWNS**

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 Timothy M. Mallon, MD, MPH, MS ("Dr. Mallon") in forming his opinions set forth in his report concerning Plaintiff David Downs served on February 7, 2025 (the "Report").

Dr. Mallon's Report contains a thorough statement of the facts, data, and publications that he considered in forming his opinions, including a section entitled "References Consulted." Plaintiffs incorporate all facts, data, and publications referenced in Dr. Mallon's Report as if fully listed herein. Unless otherwise stated below, any facts, data or publications cited in Dr. Mallon'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. Mallon in forming his opinions for David Downs:

1. Declaration of David Downs, produced contemporaneously with the present Materials Considered List;

2. Transcripts of the depositions of Plaintiff David Downs (discovery deposition), David Downs (*de bene esse* deposition), Betty Owens, Mary Morgan, Craig Brown, MD, Matthew C. Becker, DO, Shejuti Guha, MD, Theresa Koppie, MD, Emily Brodin, FNP, and all documents marked as exhibits therein;

3. 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 – David Downs (June 4, 2024);

4. 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 – David Downs (September 18, 2024);

5. Discovery Pool Profile Form for David Downs (bates number 01145_DOWNS_DPPF_0000000001-0000000015);

6. David Downs Exposure Profile/Chart, produced contemporaneously herewith;

7. David Downs Military and/or Housing Records (01145_DOWNS_NARA_0000000189, 01145_DOWNS_NARA_0000000177, CLJA_Housing-0000140628);

8. Kidney Cancer General Causation Expert Reports for Benjamin Hatten, MD, MPH, Kathleen M. Gilbert, PhD, Michael D. Freeman, MD, PhD, MScFMS, MPH, Steven B. Bird, MD, and Timothy M. Mallon, MD, MPH, MS;
9. Expert Report of Morris L. Maslia, PE, DWRE, DEE, Fellow EWRI, including Appendices H1, J, and K;
10. David Downs' Medical Records as set forth in Exhibit A hereto;
11. David Downs' Medical Expenses (bates numbers 01145_DOWNS_0000004673-0000004677 and 01145_DOWNS_MEDRECS_0000002231-0000002277);
12. All materials considered during the preparation of Dr. Mallon's General Causation Report on Kidney Cancer served previously in the present litigation;
13. All facts and data listed herein are either identified by bates number or are otherwise accessible by Defendant United States of America;
14. Dr. Mallon reserves the right to review and consider additional facts, data and publications;
15. Dr. Mallon reserves the right to consider the report of any other witness in this action; and
16. Dr. Mallon reserves the right to supplement this Materials Considered List.

EXHIBIT A

MEDICAL RECORD BATES NUMBER RANGES
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01145 DOWNS 0000000005
01145 DOWNS 0000000017-880
01145 DOWNS 0000000881-3053
01145 DOWNS 0000003066
01145 DOWNS 0000003067-3068
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