

# Exhibit 399

## Specific Causation Rebuttal Report

### **Yair Lotan MD**

Professor

Vice Chair of Clinical Affairs

Chief of Urologic Oncology

Jane and John Justin Distinguished Chair in Urology, In Honor of Claus G. Roehrborn, M.D.

UT Southwestern Medical Center at Dallas

Department of Urology

2001 Inwood WCB3 4th floor

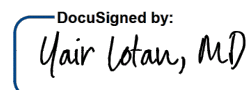
Dallas, Texas 75390-9110

Ph: 214-648-0389

Fax: 214 648 8786

[yair.lotan@utsouthwestern.edu](mailto:yair.lotan@utsouthwestern.edu)

[www.utsouthwestern.edu/urology](http://www.utsouthwestern.edu/urology)

DocuSigned by:  
  
1CAA075F98C7448...  
Yair Lotan M.D.

## **Dr Stadler Rebuttal**

According to the National Cancer Institute, the term idiopathic refers to a disease of unknown cause.<sup>1</sup> Idiopathic conditions by definition are ones with no recognized or understood cause. These are rare conditions such as Idiopathic Pulmonary Fibrosis (IPF), Idiopathic Thrombocytopenic Purpura (ITP), Fibromyalgia and diagnosing idiopathic diseases can be challenging because it involves ruling out all known causes.

Kidney cancer is not characterized as idiopathic by definition because it has known causes. While cancer behavior is complex, it is characterized by uncontrolled cell growth and division. Similarly, there are known causes such as genetic mutations, environmental exposures (e.g., tobacco smoke or other carcinogens), other medical conditions (obesity) and lifestyle choices (e.g., diet and exercise).

The goal of epidemiologic studies is to determine if certain genetic mutations, behaviors or exposures increase the risk and whether they are likely contributors to development of disease. Since it is not ethical to experiment with potential toxins such as carcinogens at Camp Lejeune, the most common form of epidemiology study is to try to compare individuals exposed to carcinogens to a similar group that was not exposed and determine if cancer risk increased.

There are several flaws with the argument made by Dr. Stadler. First, he acknowledges multiple potential risk factors for kidney cancer exist including carcinogenic exposure such as TCE. As such, he supports by definition that kidney cancer is not an “idiopathic” condition since it has recognized risk factors. The second issue is with his statement: “it must be recognized that the exact etiology, or even the most likely etiology, of any specific cancer in any one individual can be difficult or impossible to ascertain. As a result, the cause for the vast majority of cancers is idiopathic (i.e. unknown).” If this statement is to be believed then well recognized carcinogens such as tobacco cannot be considered a cause of cancers such as lung cancer because it cannot be proven to cause cancer in an individual.

In fact, Dr. Stadler’s argument would suggest that since the majority of smokers do not get lung cancer then it cannot be demonstrated that tobacco can lead to lung cancer. In the National Lung Cancer Screening Trial which included over 50,000 participants between 55 and 74 years of age at the time of randomization who had a history of cigarette smoking of at least 30 pack-years, and, if former smokers, had quit within the previous 15 years, after a median follow-up time of 11.3 years, 1701 and 1681 lung cancers were diagnosed in the computed tomogram and chest X ray arms, respectively.<sup>2</sup> If you extrapolate that only 3400 patients developed lung cancer out of 54,000 participants (approximately 6%) then is smoking not a cause of lung cancer? More than 90% of smokers in this study did not get lung cancer.<sup>2</sup> This argument that requires the majority of those exposed to a carcinogen to get a disease in order to “prove” that the carcinogen is a causative agent of cancer is flawed. There is endless literature to support that tobacco is the leading cause of lung cancer as well as other cancers and diseases such as cardiovascular disease.

Similarly, carcinogens at Camp Lejeune have been demonstrated to cause diseases such as kidney cancer in population based studies. Comparisons of military and civilian personnel at Camp Lejeune where water was contaminated to those serving in Camp Pendleton found multiple diseases that had a higher incidence in Camp Lejeune including kidney cancer. As such, one can conclude that exposure to contaminated water at Camp Lejeune, increased an individual's risk of developing kidney cancer and that the cause was not "idiopathic".

## References

<sup>1</sup> National Cancer Institute. *NCI Dictionary of Cancer Terms*.  
<https://www.cancer.gov/publications/dictionaries/cancer-terms/def/idiopathic>

<sup>2</sup> National Lung Screening Trial Research Team. Lung Cancer Incidence and Mortality with Extended Follow-up in the National Lung Screening Trial. *J. of Thoracic Oncology*. 2019; 14(10):1732-1742.