Exhibit 417

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 MATTHEW J. WEISS' REPORT ON PLAINTIFF DAVID W. FANCHER

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 Matthew J. Weiss, MD, MBA, FACS ("Dr. Weiss") in forming his opinions set forth in his report concerning Plaintiff David W. Fancher served on February 7, 2025 (the "Report").

Dr. Weiss' Report contains a thorough statement of the facts, data, and publications that he considered in forming his opinions. The present Material Considered List is the attachment referenced in the section of Dr. Weiss' Report entitled "Records Reviewed." Plaintiffs incorporate all facts, data, and publications referenced in Dr. Weiss' Report as if fully listed herein. Unless

otherwise stated below, any facts, data or publications cited in Dr. Weiss' 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. Weiss in forming his opinions for David W. Fancher:

1. Plaintiff David W. Fancher's Short Form Complaint;

2. Declaration of David W. Fancher, produced contemporaneously with the present Materials Considered List;

3. Transcripts of the depositions of Plaintiff David W. Fancher, Bridget Fancher, Camilla Fancher, Jaqueline Oladipo, ARNP-BC, Richard Gray, MD, Ziyad H. Mugharbil, MD, and all documents marked as exhibits therein;

4. 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 W. Fancher (April 19, 2024);

5. 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 W. Fancher (September 20, 2024);

6. Discovery Pool Profile Form for David W. Fancher (bates number 00275_FANCHER_DPPF_0000000001-0000000016);

7. David W. Fancher Exposure Profile/Chart, produced contemporaneously herewith;

8. David W. Fancher Military and/or Housing Records (00275_FANCHER_0000000296, 00275_FANCHER_0000000307, 00275_FANCHER_0000000385, 00275_FANCHER_0000000312, 00275_FANCHER_0000001787);

9. Expert Report of Morris L. Maslia, PE, DWRE, DEE, Fellow EWRI, including Appendices H1, J, and K;

10. David W. Fancher's Medical Records as set forth in Exhibit A hereto;

11. David W. Fancher's Medical Expenses (bates number 00275_FANCHER_0000002623-0000002654);

12. Photos of Deformity for David W. Fancher (00275_FANCHER_0000006487-0000006520);

13. Blair, A., Petralia, S. A., & Stewart, P. A. (2003). Extended mortality follow-up of a cohort of dry cleaners. Annals of Epidemiology, 13(1), 50-56;

14. 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 cohort study. Environ Health. 2014 Feb 19 (bates number CLJA_HEALTHEFFECTS-0000141103);

15. Calvert, G. M., Ruder, A.M., & Petersen, M. R. (2011). Mortality and end-stage renal disease incidence among drycleaning workers. Occupational and Environmental Medicine, 68(10), 709-716;

16. Seldén, A. I., & Ahlborg, G. (2011). Cancer morbidity in Swedish dry-cleaners and laundry workers: Historically prospective cohort study. International Archives of Occupational and Environmental Health, 84, 435-443;

17. EPA. Toxicological Review of Trichloroethylene. 2011 Sep;

18. EPA. Risk Evaluation for Trichloroethylene. 2020 Nov;

19. Alanee S, Clemons J, Zahnd W, Sadowski D, Dynda D. Trichloroethylene Is Associated with Kidney Cancer Mortality: A Population-based Analysis. Anticancer Res. 2015 Jul.;

20. Andrew AS, Li M, Shi X, Rees JR, Craver KM, Petali JM. Kidney Cancer Risk Associated with Historic Groundwater Trichloroethylene Contamination. Int J Environ Res Public Health. 2022 Jan 6;

21. Anttila, A., Pukkala, E., Sallmen, M., Hernberg, S., & Hemminki, K. (1995). Cancer incidence among Finnish workers exposed to halogenated hydrocarbons. J Occup Environ Med, 37(7), 797-806;

22. ATSDR Assessment of the Evidence for the Drinking Water Contaminants at Camp Lejeune and Specific Cancers and Other Diseases, 2017 (bates number CLJA_VA-RFP11-0000000131);

23. Axelson, O., Selden, A., Andersson, K., & Hogstedt, C. (1994). Updated and expanded Swedish cohort study on trichloroethylene and cancer risk. J Occup Med, 36(5), 556-562;

24. Blair, A., Hartge, P., Stewart, P. A., McAdams, M., & Lubin, J. (1998). Mortality and cancer incidence of aircraft maintenance workers exposed to trichloroethylene and other organic solvents and chemicals: extended follow up. Occup Environ Med, 55(3), 161-171;

25. Boice, J. D., Jr., Marano, D. E., Cohen, S. S., Mumma, M. T., Blot, W. J., Brill, A. B., Fryzek, J. P., Henderson, B. E., McLaughlin, J. K. (2006). Mortality among Rocketdyne workers who tested rocket engines, 1948-1999. J Occup Environ Med, 48(10), 1070-1092;

26. 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 cohort study. Environ Health. 2014 Feb 19 (bates number CLJA_HEALTHEFFECTS-0000141103);

27. 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 Aug 13 (bates number CLJA_VA_RFP_4THSET_0000135084);

28. Bruning, T., Pesch, B., Wiesenhutter, B., Rabstein, S., Lammert, M., Baumuller, A., & Bolt, H. M. (2003). Renal cell cancer risk and occupational exposure to trichloroethylene: results of a consecutive case-control study in Arnsberg, Germany. Am J Ind Med, 43(3), 274-285;

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30. IARC Working Group on the Evaluation of Carcinogenic Risks to Humans. Trichloroethylene, Tetrachloroethylene, and Some Other Chlorinated Agents, 2014;106:1-512;

31. Chang, Y. M., Tai, C. F., Yang, S. C., Chen, C. J., Shih, T. S., Lin, R. S., & Liou, S. H. (2003). A cohort mortality study of workers exposed to chlorinated organic solvents in Taiwan. Ann Epidemiol, 13(9), 652-660;

32. Charbotel, B., Fevotte, J., Hours, M., Martin, J. L., & Bergeret, A. (2006). Case-control study on renal cell cancer and occupational exposure to trichloroethylene. Part II: Epidemiological aspects. Ann Occup Hyg, 50(8), 777-787;

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39. Morgan, R. W., Kelsh, M. A., Zhao, K., & Heringer, S. (1998). Mortality of aerospace workers exposed to trichloroethylene. Epidemiology, 9(4), 424-431;

40. Pesch B, Haerting J, Ranft U, Klimpel A, Oelschlägel B, Schill W, MURC Study Group. Occupational risk factors for urothelial carcinoma: agent-specific results from a case-control study in Germany. 2000;

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42. Program, NTP (2015). Report on Carcinogens Monograph on Trichloroethylene (RoC Monograph 05);

43. Purdue, M. P., Rhee, J., Moore, L., Gao, X., Sun, X., Kirk, E., et al. (2021). Differences in risk factors for molecular subtypes of clear cell renal cell carcinoma. Int J Cancer, 149(7), 1448-1454;

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50. Zhao, Y., Krishnadasan, A., Kennedy, N., Morgenstern, H., & Ritz, B. (2005). Estimated effects of solvents and mineral oils on cancer incidence and mortality in a cohort of aerospace workers. Am J Ind Med, 48(4), 249-258;

51. 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);

52. Andrew AS, Li M, Shi X, Rees JR, Craver KM, Petali JM. Kidney Cancer Risk Associated with Historic Groundwater Trichloroethylene Contamination. Int J Environ Res Public Health. 2022 Jan 6;

53. Aschengrau A, Ozonoff D, Paulu C, Coogan P, Vezina R, Heeren T, Zhang Y. Cancer risk and tetrachloroethylene-contaminated drinking water in Massachusetts. Arch Environ Health. 1993 Sep-Oct;

54. ATSDR Public Health Assessment, 2017 (bates number CLJA_HEALTHEFFECTS-0000000011);

55. ATSDR Assessment of the Evidence for the Drinking Water Contaminants at Camp Lejeune and Specific Cancers and Other Diseases, 2017 (bates number CLJA_VA-RFP11-0000000131);

56. 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 cohort study. Environ Health. 2014 Feb 19 (bates number CLJA_HEALTHEFFECTS-0000141103);

57. 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 Aug 13 (bates number CLJA_VA_RFP_4THSET_0000135084);

58. Bove FJ. Evaluation of cancer incidence among Marines and Navy personnel and civilian workers exposed to contaminated drinking water at USMC Base Camp Lejeune: a cohort study (Published). 2024 Jan 29 (bates number CLJA_ATSDR_BOVE-0000060101);

59. Bove FJ. Evaluation of cancer incidence among Marines and Navy personnel and civilian workers exposed to contaminated drinking water at USMC Base Camp Lejeune: a cohort study (Unpublished). 2024 Jan 29 (bates number CLJA_ATSDR_BOVE-0000060101);

60. The Camp Lejeune Justice Act;

61. Cohn P, Klotz J, et al. Drinking Water Contamination and the Incidence of Leukemia and Non-Hodgkin's Lymphoma. Environ. Health Perspect. 1994;102(6-7):556-561;

62. ATSDR. Chapter A Report Camp Lejeune. Appendix A8. Reconstructed (simulated) monthly mean concentrations of tetrachloroethylene (PCE), trichloroethylene (TCE), trans-1,2-dichloroethylene (1,2-tDCE), vinyl chloride (VC), and benzene in finished water distributed to Holcomb Boulevard family housing areas, Hadnot Point–Holcomb Boulevard study area, U.S. Marine Corps Base Camp Lejeune, North Carolina,1972–1985;

63. ATSDR. Chapter A Report Camp Lejeune. Appendix A7. Reconstructed (simulated) monthly mean concentrations in finished water for tetrachloroethylene (PCE), trichloroethylene (TCE), trans-1,2-dichloroethylene (1,2-tDCE), and vinyl chloride (VC) at the Hadnot Point water treatment plant, Hadnot Point–Holcomb Boulevard Study Area, U.S. Marine Corps Base Camp Lejeune, North Carolina, January 1942 – June 2008;

64. ATSDR. Chapter A Report Camp Lejeune. Appendix A2. Simulated PCE and PCE Degradation By-Products in Finished Water, Tarawa Terrace Water Treatment Plant, January 1951–March 1987;

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

66. Dr. Weiss reserves the right to review and consider additional facts, data and publications;

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

68. Dr. Weiss reserves the right to supplement this Materials Considered List.

EXHIBIT A

MEDICAL RECORD BATES NUMBER RANGES
00275_FANCHER_0000000010-24
00275_FANCHER_0000000025-85
00275_FANCHER_0000000086-261
00275_FANCHER_0000000262-402
00275_FANCHER_0000000403-404
00275_FANCHER_0000000405-2608
00275_FANCHER_0000002609
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