

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

IN RE:)
)
CAMP LEJEUNE WATER LITIGATION) Docket No.
) 7:23-CV-00897-RJ

FRIDAY, OCTOBER 9, 2026
TRANSCRIPT OF STATUS CONFERENCE
BEFORE THE HONORABLE ROBERT B. JONES, JR.
UNITED STATES MAGISTRATE JUDGE

APPEARANCES:

On Behalf of the Plaintiffs:

J. Edward Bell, Esquire (Via Telephone)
A. Charles Ellis, Esquire
H. Scott Overholt, Esquire
James A. Roberts, III, Esquire (Via Telephone)
Mona Lisa Wallace, Esquire (Via Telephone)

On Behalf of the Defendant:

John A. Bain, Esquire
Bridget Bailey Lipscomb, Esquire (Via Telephone)
Sara J. Mirsky, Esquire (Via Telephone)
Lauren Morris, Esquire
David Ransom Ortiz, Esquire

On Behalf of the Settlement Master Team:

Ken Knight (Via Telephone)
Eleanor Slota (Via Telephone)

TAMMY JOHNSON, CVR-CM-M, RVR
Official Court Reporter
Tammy_Johnson@nced.uscourts.gov

Friday, October 9, 2026, 11:07 a.m.

P R O C E E D I N G S

THE COURT: Good morning.

MR. BAIN: Good morning.

MR. ORTIZ: Good morning, Your Honor.

MR. ELLIS: Good morning, Your Honor.

THE COURT: Okay. Mr. Ellis, what do you have for us?

MR. ELLIS: Your Honor, Mr. Bell, as you can see, is not here, but he's on the line.

THE COURT: Oh, he's on the line? Okay.

MR. BELL: Good morning, Your Honor.

THE COURT: Good morning.

MR. BELL: How are you, Your Honor?

THE COURT: How are you?

MR. BELL: Very well. Thank you.

THE COURT: All right. What do the plaintiffs have for us today?

MR. BELL: Your Honor, I think the only thing that we think is outstanding right now that would be applicable is the issue of the muster rolls, and we probably, with your permission, will go ahead and file a motion on that.

THE COURT: Mr. Bain, do you feel like y'all are at an end on that one?

MR. BAIN: Yes, Your Honor. I think the issue is

1 that we had a meet-and-confer with the plaintiffs' counsel on
2 the muster rolls issue. The stakeholder client for the muster
3 rolls was willing to allow their use in litigation only, not
4 for any other outside-of-litigation purposes at this point. In
5 the future, they may consider when there's a global resolution
6 in place to allow those to be used, but they don't want to open
7 that at this point in time.

8 So we were working on a protective order to encompass
9 use of the muster rolls in the litigation, and the plaintiffs
10 sent us a redline of it. We sent back some comments and
11 questions to ask them to answer before we responded to their
12 redline. We haven't got a response to that yet.

13 I think that the issue that Mr. Bell and the
14 plaintiffs might be wanting to raise with the Court is the use
15 of the muster rolls outside the litigation. We think the Court
16 has been clear, both Your Honor and the other District Judges
17 in this district, that that's beyond the jurisdiction of the
18 Court, and that's going to be our position on that.

19 THE COURT: Okay. All right. Well, just file your
20 motion.

21 MR. BELL: Judge, just to respond, we are in the
22 middle of resolution right now. We need to use that data
23 because, I mean, just yesterday, I was asked questions by folks
24 in Washington that I couldn't answer, and we needed data. And
25 so this muster roll is part of the jurisdiction of the court.

1 The resolution is under this court, and I need to use that
2 data. The data is the most comprehensive data we've gotten to
3 date. We've waited two years to get it, and now they don't
4 want us to use it just to go get data and use it within
5 resolution. I think it's something we can't put off.

6 THE COURT: Okay.

7 MR. BELL: And counsel says, well, let's talk about
8 it later. We need it now, and so we'll file our motion, Your
9 Honor, and let you hear that.

10 THE COURT: All right. Well, file the motion. I'd
11 like to hear all that. I would also like to -- I'd also like
12 to see where you are on the redline protective order, so if you
13 would include that as an exhibit to the motion.

14 MR. BELL: We sure will.

15 THE COURT: All right. Anything else from the PLG?

16 MR. BELL: Nothing further, Your Honor.

17 THE COURT: All right. Mr. Bain.

18 MR. BAIN: Your Honor, we have one issue to raise.
19 Mr. Ortiz is going to address the supplementation issue.

20 MR. ORTIZ: Good morning, Your Honor.

21 THE COURT: Good morning.

22 MR. ORTIZ: David Ortiz. Your Honor, we just wanted
23 to alert the Court to one issue that's potentially on the
24 horizon. It has to do with supplementation of expert opinions
25 or reports close to trial, and it's an issue that's potentially

1 on the horizon in the Mousser case. It's not noted in the JSR
2 because it arose earlier this week when we received --

3 THE COURT: So Mousser is for trial, right?

4 MR. ORTIZ: That is correct.

5 THE COURT: And what's Mousser's trial date?

6 MR. ORTIZ: It's October 26th. And so we received --

7 THE COURT: All right. So you know that, obviously,
8 that has turned to Judge Boyle for pretrial management?

9 MR. ORTIZ: That is correct.

10 THE COURT: And so whatever you say to me regarding
11 the pretrial management of that case, it may be best put to
12 Judge Boyle, who's actively managing that case for trial.

13 MR. ORTIZ: Correct, and we agree with it.

14 THE COURT: I just wanted to put that out there.

15 MR. ORTIZ: No, understood, and we agree with that.
16 What they forecast on Monday in their amended pretrial
17 disclosures were three supplemental expert reports for three
18 experts they intend to call in that trial.

19 THE COURT: Okay. But you're telling me this because
20 this may be an issue in other cases coming down the pipe?

21 MR. ORTIZ: Exactly, as Your Honor raised at the last
22 status hearing. We only raise it here because Your Honor
23 raised this issue, what lessons can the parties learn from the
24 Mousser and Fancher trials --

25 THE COURT: Exactly.

1 MR. ORTIZ: -- to apply in other bellwethers going
2 forward, and Your Honor identified supplementation. So we want
3 to make sure Your Honor was aware of that issue, that that
4 might be coming up in the Mousser case. Again, that would be
5 an issue for Judge Boyle to resolve in that individual case.

6 THE COURT: Okay.

7 MR. ORTIZ: But as Your Honor is thinking through
8 implications and how to create more efficient processes going
9 forward, we wanted to make Your Honor aware of that. We're not
10 asking for any relief.

11 THE COURT: Just FYI?

12 MR. ORTIZ: Exactly.

13 THE COURT: Okay. All right. Anything else?

14 MR. ORTIZ: Nothing else, Your Honor.

15 THE COURT: Okay. You said 10/26 for Mousser. When
16 is -- which is the other trial?

17 MR. ORTIZ: It's the Fancher case --

18 THE COURT: Fancher.

19 MR. ORTIZ: -- and that's --

20 THE COURT: Fancher is in November, right?

21 MR. ORTIZ: In November, correct. And I should say
22 that based on correspondence with PLG, that those
23 supplementations may come as late as October 16th.

24 THE COURT: So I'm asking because I was going to look
25 at another date to have a status conference.

1 MR. ORTIZ: Understood.

2 THE COURT: And we have two trials coming up in these
3 cases, and so that may frame when y'all want to get back
4 together. So thoughts on another status conference?

5 MR. BAIN: Well, Your Honor, Judge Boyle has
6 indicated that these cases are going to be tried quickly, and
7 so I think waiting until after the Fancher trial might make
8 sense, which would be November 16th, assuming we finish the
9 Fancher case that week of November 9th.

10 THE COURT: Yeah, because next week is --

11 MR. BAIN: It's Thanksgiving week.

12 THE COURT: -- Thanksgiving week.

13 MR. BELL: And, Judge, we would urge the Court to
14 rethink that. We need to have this issue of the muster rolls
15 decided prior to end of November sometime, and so what I'd ask
16 the Court is we'll file our motion the first of next week --

17 THE COURT: Okay.

18 MR. BELL: -- and maybe ask the Court to expedite the
19 defendant's response, which shouldn't be too difficult.
20 They've already kind of put forward their answer or their
21 defense, and then once you get those, maybe schedule a time we
22 could all either do it by Zoom or in person, either one.

23 THE COURT: The status conference?

24 MR. BELL: Yes, sir, for the purpose of hearing the
25 muster roll issue.

1 THE COURT: Oh, do I need to hear it, or can I rule
2 on --

3 MR. BELL: Well, like I said, you may just rule it on
4 papers and that would be great.

5 THE COURT: Okay. I don't have my calendar, so what
6 are the parties thinking about the week of the 16th of
7 November, maybe toward the end of that week?

8 MR. BAIN: That works for the United States, Your
9 Honor.

10 THE COURT: Mr. Bell or Mr. Ellis, what do y'all
11 think?

12 MR. BELL: That would be fine, Your Honor.

13 THE COURT: Okay.

14 MR. BELL: I'm thinking that's before Thanksgiving
15 week, so that looks good.

16 THE COURT: Yes. Yeah, I want to try to stay away
17 from that week. Okay. All right. I'll look at my calendar
18 and issue a notice.

19 Mr. Bell, you think the motion will be filed when?

20 MR. BELL: Well, I know there's a draft already
21 prepared, Your Honor. Hopefully the first -- the very first of
22 the week, Monday or Tuesday.

23 THE COURT: So 12, 13. Mr. Bain, can you get me a
24 response in seven days?

25 MR. BAIN: Well, Your Honor, we're in the middle of

1 trial preparations right now. I would appreciate maybe two
2 weeks for that.

3 THE COURT: Oh, gosh.

4 MR. BAIN: And I don't know what the plaintiffs are
5 going to say.

6 MR. BELL: Judge, literally, I needed that
7 information yesterday. I mean, there was asked questions of me
8 yesterday that I had no answers to. I could have gotten it off
9 the muster rolls, but I'm restricted from using them, which is
10 kind of odd.

11 THE COURT: Okay. Well, I'll take a look at it when
12 it's filed, and I may expedite the response time.

13 MR. BELL: All right, sir.

14 THE COURT: All right. Anything else from the
15 parties?

16 MR. ORTIZ: No, sir.

17 MR. BELL: Nothing else from the plaintiffs, Your
18 Honor.

19 THE COURT: Okay. Thank you very much. We're
20 adjourned.

21 (Proceeding concluded at 11:15 p.m.)
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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA

CERTIFICATE OF OFFICIAL REPORTER

I, Tammy Johnson, CVR-CM-M, RVR, Federal Official Court Reporter, in and for the United States District Court for the Eastern District of North Carolina, do hereby certify that pursuant to Section 753, Title 28, United States Code, that the foregoing is a true and correct transcript of the Stenomask-reported proceedings held in the above-entitled matter and that the transcript page format is in conformance with the regulations of the Judicial Conference of the United States.

Dated this 13th day of October, 2026.

/s/ Tammy Johnson
Tammy Johnson, CVR-CM-M, RVR
U.S. Official Court Reporter