UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

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

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MONDAY, NOVEMBER 16, 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
A. Charles Ellis, Esquire
H. Scott Overholt, Esquire (Via Telephone)
James A. Roberts, III, Esquire
Mona Lisa Wallace, Esquire

On Behalf of the Defendant:

Jennifer E. Adams, Esquire
Haroon Anwar, Esquire
John A. Bain, Esquire
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On Behalf of the Settlement Master Team:

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Monday, November 16, 2026, 11:12 a.m.

P R O C E E D I N G S

11:12:16 THE COURT: Good morning.

11:12:16 MR. BAIN: Good morning, Your Honor.

11:12:17 MS. WALLACE: Good morning.

11:12:20 THE COURT: Okay. We're here for our status conference, and then also a hearing on the plaintiff's motion to compel in this case. Let's start with an update on the case. We'll hear from both parties on that, and then after that's done, we'll move into the motion hearing.

11:12:41 All right. So, Mr. Bell, what do you have for us?

11:12:45 MR. BELL: Good morning, Your Honor. As you know, we had our two -- first two trials in the last several weeks. Those have been completed. We're waiting on Judge Boyle to issue his order. We have now scheduled two more cases with Judge Boyle. I think the first, I think January the 4th is one of them, and either the 11th or the 18th is the second one.

11:13:11 Judge Myers has now scheduled pretrial conferences on the latter part of January, and has asked the parties to assist him in what our desires are of how to try the cases, either to bifurcate them, try them together, try them separately, things like that. But I think that's where we are, Your Honor. I don't think there's anything else going on other than those trials and the muster rolls, of course.

11:13:54 THE COURT: Okay. Mr. Bain.

11:13:57 MR. BAIN: Your Honor, I don't think I have anything
11:13:58 to add to what Mr. Bell said. That's the current status of the
11:14:02 case. I believe the second trial is scheduled for January
11:14:08 18th, but we have two scheduled for January, and we've
11:14:09 completed --
11:14:09 THE COURT: Which ones are those? Do you remember?
11:14:11 MR. BAIN: Those are -- I think *Tukes* is the one
11:14:13 scheduled for the 4th, and that *Downs* is the one scheduled for
11:14:17 the 18th.
11:14:27 THE COURT: Okay. Then I will turn to the motion.
11:14:35 Mr. Bell.
11:14:38 MR. BELL: Your Honor, as you know, we have been
11:14:42 working with, you know, the production of the muster rolls for
11:14:48 now over two years. We recently got the digitized version of
11:14:56 the muster rolls. The Government informed us at the time that
11:15:00 they didn't think we could do much with them because of the way
11:15:03 they were digitized. They were digitized for storage more so
11:15:06 than searchability. We worked with the data and have come up
11:15:15 with a way to search that data.
11:15:18 And we now, out of an abundance of caution, asked
11:15:24 permission from the Government to utilize these muster rolls
11:15:30 for three separate purposes. The first one, of course, is for
11:15:39 any current litigation. The second purpose was to substantiate
11:15:45 EO claims. And the third one, Judge, we call it resolution,
11:15:50 but, quite frankly, I was corrected the other day by someone in

our group that, you know, resolution is part of litigation, and the Court has -- I mean the Government has already agreed that we could use these muster rolls for litigation.

And so we've had a number of meet-and-confers about it. We've tried to get the Government to give us a good reason why, with a proper protective order, we shouldn't be allowed to use it, and the response basically, Judge, is, oh, you could use it now; we'll talk about what you can use later.

And so Ms. Wallace is going to argue the motion, Your Honor, but I thought I'd give you a little background on it.

THE COURT: All right.

MS. WALLACE: Thank you.

THE COURT: So this started out you did -- you made a request for -- in RFP number 3, right?

MS. WALLACE: Yes, sir.

THE COURT: What did you ask for?

MS. WALLACE: We asked for the muster rolls. We didn't exactly know what they were, but we found out and it was later in the litigation, that a project had started. It's called the Marine Corps Data Project where taxpayer money was being used to go around the country to the different Marine bases and to digitize the documents. That was done. It took years to do it. It cost over $10 million. When we first started the litigation, we didn't know about it, and then it wasn't until a few months ago in the summer, that we were

finally given five hard drives that were the digitized documents, including Camp Lejeune.

THE COURT: And so you moved to compel production. Those have been produced. You have them now. And so this is really about, I think you said in the introduction, how you can use that information?

MS. WALLACE: Yes, sir, and why we don't understand the Government is opposing our using them for both settlement and for litigation.

THE COURT: Okay. So what is the information -- I mean, I know the word "muster roll," quite familiar now at this point, but what is the information and what do you want to use it for, and why do you think you should be able to do that?

MS. WALLACE: Yes, sir. First, they're technically called the Marine Corps Data Project records, MCDP. It's almost a billion documents, very voluminous, over 3 million files. Your Honor, the documents, one part of them are muster rolls and unit diaries that, of course, will show you quarterly who is in the Marines and where they were at Camp Lejeune, and the unit diaries will show you where they are training, that type of information.

But also included in these records are something called Marine Locator Reports, and a Marine Locator Report will tell you weekly, biweekly, monthly and quarterly where that Marine is. So it's far more detailed, far more broad types of

information than what we would have in the DD-214 or service record.

First, you cannot FOIA, or request -- if you are a Marine or if you are a lawyer representing a Marine, you can't ask for these documents because the Government doesn't have them in any type of format or place they can give them to you. But, Your Honor, we do. We've spent months and thousands and thousands of documents making them to where we can put in the Social Security number or the service number and the name of the individual, and we can access the information.

We don't understand -- and I apologize to the Court. When I went back and I read all the motions, I realized in the earlier arguments we seemed to miss the point. And the simplest point in the world is this: When we started getting discovery, in place there were two protective orders, first protective order, second protective order.

In the spring of 2024, we finally acquired something called family house -- family housing records and another set of documents called the defense manpower documents. We realized when we got those that we needed a protective order with the Government and to work with them to be able to use these defense manpower documents and these family housing records for the EO, for global resolution, and for litigation.

The reason we realized they were so important was because, same thing, veterans couldn't independently get all

their family housing data. The manpower documents were -- they're very important to this argument because when ATSDR was doing the ATSDR studies, Dr. Bove and others, they pulled the records of 459,000 Marines by Social Security number. It included their Social Security number. So these documents that we already have and they've already agreed to let us use, they include the same types of information that they now claim are public.

So we get these other records in 2024. The Government and PLG, in docket 263, filed a joint motion in 2024. The joint motion stipulated that the Government and PLG were agreeing that these records could be used by any counsel who represented claimants anywhere in the country; they could be used for settlement purposes, including the EO; and also for litigation.

As a result of that, we entered a second amended protective order that said, hey, the discovery documents we're getting, we can use them both for settlement and we can use them for litigation, and we worked together very closely with the Government to enter the process and how it would be done.

In the second and the third protective orders, which we agreed to and which the Court entered, we set out that the materials would be used for prosecuting, defending and attempting to settle these cases; that anyone, including the special masters, the arbitrators, the Court, could get access

and use them; but that the Navy, we could send the family records, for example, to the Navy and use them to support our EO; and that everyone who asked for access to these documents would be subject to the protective order and would voluntarily have to agree to be subject to the jurisdiction of the Court. So that is in place.

We worked out with the Government. We worked out with Rubris, who had been appointed the management software data person for this litigation. They have a perfect process in place. The Government has access to Rubris. Lawyers around the country, if they want to use these government-produced documents, they are given the protective order. They sign Exhibit A that says they're subject to the jurisdiction of the Court. It has worked perfectly with no complaints from anyone.

So what you have before you now is virtually the same thing. You have our proposed protective order number 4. You have the Government's. They are virtually identical except for on page 16, number 3, we have in our proposal that we want to be able to use them for both the administrative claims process, the EO process, and for litigation. And the Government, in number 3 on page 17 of their proposal, they restrict it only to litigation.

Now, the reason why we don't understand their position is that on page 15 and 16 of both the second amended protective order, third amended protective order, and in both

11:25:00 our drafts of the fourth amended protective orders, the parties
11:25:05 agree that the documents, these family housing documents, the
11:25:11 other documents that were government records that include
11:25:14 Social Security numbers, we agree throughout second, third and
11:25:19 the fourth that they can be used for both administrative claims
11:25:24 process and litigation, that everyone will have to sign a
11:25:30 declaration submitting to the jurisdiction of the Court, that
11:25:33 they can be accessed by anyone who's the permissible person.
11:25:37 And, Your Honor, just Friday we sent a very detailed letter
11:25:42 again to the Government when they asked us questions about it,
11:25:46 explaining how the Rubris processes work, that they've had
11:25:49 access to it, it's not been a problem at all.
11:25:51 Why we need to use them specifically, if the veterans
11:25:57 don't get these records, there is no FOIA request, there is no
11:26:00 other way they can get them. You have lost records. You have
11:26:05 incomplete records. You have records you can't read. But more
11:26:09 importantly, these records will tell you how long a veteran was
11:26:13 there, a lot more information about when he was there, was he
11:26:18 there more than a year, where he was -- in his unit diary,
11:26:22 where he trained.
11:26:22 Secondly, it's not a question of national security.
11:26:27 There's there is no confidentiality issues we can find. Your
11:26:32 Honor, we can use them to substantiate EOs. We can use them
11:26:36 for global resolution. And global resolution, if there's a
11:26:40 claims-made process, you can just imagine -- and we can't

discuss resolution, but you need to know how many people would have been at, for example, Camp Geiger or Camp Johnson, Courthouse Bay versus what years they were at the highest peak periods of exposure. All of those types of information certainly you would assume would be discussed, these records can help.

But finally, I think having -- I've been the one that's dealt with this for the last year. The thing we don't understand is if you have these records, they are going to verify and significantly reduce any questions for fraud, or they're just going to show far more information about what really occurred.

So for all those reasons, we're just asking you sign the same language that was in the second and third protective orders. It's virtually the same in the fourth. They agreed to the other. It's just simply they don't want to let us, for some reason, use this for settlement.

THE COURT: All right. Mr. Bain.

MR. BAIN: Yes, Your Honor, Jennifer Adams is going to address this for us.

THE COURT: Okay.

MS. ADAMS: Good morning, Your Honor.

THE COURT: Good morning.

MS. ADAMS: Mr. Bell and Ms. Wallace are correct. These -- this data that was provided are digitized versions of

the records. The records actually do exist in service members' files. Service members can get their records by issuing a FOIA request to the VA or to the National Archives. It just may not be in the same format that the plaintiffs have now received it.

THE COURT: What would it -- what format would it be in?

MS. ADAMS: It would be electronic; just it would be individual to the service member. So a service member would send a request and they would get their own data. If there was secure information from someone else, all that information would be redacted. They would only receive the data that's theirs.

Your Honor, the Department of War and the United States Marine Corps take service member privacy extremely seriously, and the data that is in this MCDP data is for service members, hundreds of thousands, if not millions, most of whom have no ties to Camp Lejeune or this litigation at all, and so the key issue here is the security of the data and how it's going to be protected and later distributed.

THE COURT: Well, you've agreed to produce it. You've produced it --

MS. ADAMS: Yes, sir.

THE COURT: -- despite these concerns.

MS. ADAMS: Yes, sir, you're correct.

THE COURT: So what concerns do you have left?

11:29:23 MS. ADAMS: Well, we produced these records in
11:29:26 accordance to a request for production that was served in
11:29:29 litigation for use in the litigation and governed by a very
11:29:32 strict protective order that governs the litigation, and we are
11:29:37 amenable to PLG using the records in litigation, but there are
11:29:43 still several concerns that have not been answered yet as to
11:29:46 how they're going to protect this data. We have asked -- we've
11:29:50 exchanged numerous correspondences about this and asked many
11:29:54 questions, and we have just not gotten solid answers, and the
11:29:58 answers that we have gotten, they have changed over time.
11:30:01 Originally, PLG had assured us that this data was all
11:30:07 being kept on these five hard drives in a safe only accessed by
11:30:12 a gentleman named Bill Williams and his staff, and that the
11:30:16 software that they've created is in a completely offline
11:30:21 environment that is not available to the public.
11:30:24 Now, just on Thursday evening, we got a letter saying
11:30:26 that they have now decided to put this data onto Rubris. And
11:30:30 as we have stated since the beginning of this litigation,
11:30:34 databases that contain the United States data has to be
11:30:39 certified with certain security certifications. The one we've
11:30:42 mentioned is FedRAMP. Rubris is not FedRAMP certified. And as
11:30:47 Your Honor knows, cyber threats are numerous in this world, and
11:30:52 there's just -- we are just very concerned about the data being
11:30:56 not protected sufficiently to protect these service members'
11:30:58 data.

11:31:01 THE COURT: Well, what concerns did you have when you
11:31:03 agreed in the other protective orders?
11:31:06 MS. ADAMS: Yes, Your Honor. The housing records
11:31:09 that Ms. Wallace mentioned, they show a service member and the
11:31:14 dates that he moved in and out of military housing. It doesn't
11:31:20 contain the PII that this MCDP data contains. The DMDC data is
11:31:27 much less expansive than this MCDP data. This data that we're
11:31:35 talking about contains service members' Social Security
11:31:38 numbers, dates of birth.
11:31:40 THE COURT: So it's different information?
11:31:41 MS. ADAMS: It is different, much, much more
11:31:43 sensitive.
11:31:43 THE COURT: Okay.
11:31:43 MR. BELL: Judge, I have a real easy answer to what
11:31:58 counsel's -- if they're worried that this data might get
11:32:02 hijacked or hacked, we can take that data and put it on a
11:32:06 non -- on an internal server without internet access and not
11:32:13 put it on Rubris and then fully protect it. The only people
11:32:18 that would be involved in looking at the data would be the PLG
11:32:22 members, and if all those outside of PLG wanted to look at it,
11:32:26 we would provide that service to them under the common benefit
11:32:29 renewal. So there would be no way for anyone to hack the data.
11:32:34 They couldn't come in on the internet and look at it, and we'd
11:32:37 be glad to do that, Your Honor.
11:32:39 MS. WALLACE: Your Honor, if I could add to that, no

11:32:42 one has seen the data. There's five hard drives. Only one
11:32:47 person has access to that data, and that's our designee. We
11:32:52 sent them a long letter on Friday explaining --
11:32:56 THE COURT: Sent the Government?
11:32:57 MS. WALLACE: Yes, sir. The defense manpower data --
11:33:01 defense counsel failed to address it -- that is 429,000 Camp
11:33:08 Pendleton and Camp Lejeune and civilians' records, including
11:33:14 all of their Social Security information, medical records and
11:33:20 other confidential data. Rubris has handled every bit of that
11:33:27 without any objection under the terms that they have agreed
11:33:31 upon, under the very same terms that are in front of me, which
11:33:36 they have put in their protective order number 2, number 3, and
11:33:41 number 4. They say, "Here is how we agree we should handle
11:33:47 data, including data that includes Social Security numbers:
11:33:52 Only a qualified person can see that data. We agree it can be
11:33:59 used for administrative claims process and actions. Anybody
11:34:03 who wants access to it has to sign common benefit."
11:34:09 THE COURT: Where is this?
11:34:09 MS. WALLACE: Yes, sir. In the protective orders.
11:34:11 They have set out exactly in all three protective orders for
11:34:16 this defense manpower documents and their family housing
11:34:21 database --
11:34:22 THE COURT: Right, but this data is different.
11:34:25 MS. WALLACE: It is virtually --
11:34:25 THE COURT: More detailed.

11:34:25 MS. WALLACE: -- the same data. It is the 429,000 --
11:34:30 Dr. Bove and ATSDR essentially pulled data for 400-and-so-many-
11:34:37 thousand people. It included much of the records that are in
11:34:42 the muster roll. The muster roll just expanded that defense
11:34:47 manpower data to all of the Marines. So it's essentially the
11:34:52 very same data. And currently the process has been in place
11:34:57 that you have to sign it; it goes through Rubris. Mr. Bell
11:35:01 made a great suggestion and I wanted to follow up.
11:35:03 THE COURT: Well, I feel sure if he made it now, he's
11:35:07 made it before in y'all's meet-and-confer, and it didn't -- it
11:35:12 didn't take then, so...
11:35:13 MS. WALLACE: Well, actually, sir, before, we had put
11:35:16 and discussed a designee. Now we want it through the Rubris
11:35:21 database, but Rubris will not get the data. There will be only
11:35:25 one designee who will be and have access to that data. We have
11:35:30 made that gentleman available in a phone call with the
11:35:33 Government a couple of weeks ago. They were allowed to ask him
11:35:37 questions. Essentially, without this data, there is no way
11:35:42 that that the Marines -- and I strongly disagree with their
11:35:44 statement -- get access to this data.
11:35:46 THE COURT: How can -- I mean, how can you not -- I
11:35:48 assume that these folks with counsel, either y'all or others,
11:35:56 are making FOIA requests for their own documents. That would
11:35:59 be -- that would be a surgical request. You wouldn't have
11:36:04 20,000 pages. You'd have fewer than that, and they would be

focused on, you know, where you were and what you were doing.

MS. WALLACE: You get your DD214. Sometimes you get your service record. Those are a few pages of documents. These records show weekly, often daily, your unit --

THE COURT: Well, what do you need? I mean, what do you need? You need, what, more than 30 days, right?

MS. WALLACE: Well, sir, you need to know -- for a lot of the people, it's illegible. You can't read it. Or they can't find it. But, secondly, this supplements those service records and those DD214s. Oftentimes, the DD214s don't even say if you were at Camp Lejeune. That alone sometimes is missing. This gives you an -- and the muster rolls, some people have them for earlier years than '72. This gives you weekly details, where you were, monthly locator, what you did, where you moved, and essentially your job responsibilities. It's literally a massive amount of additional data that will be needed that you will get.

THE COURT: And so a service member themselves could not send a FOIA request and get this information?

MS. WALLACE: No, sir. The Government had the data. The Government said they couldn't use the data. The Government never spent the months and the time to take literally over 3 million --

THE COURT: Okay, so the Government has the information --

11:37:32 MS. WALLACE: But it can't --
11:37:32 THE COURT: -- but can't --
11:37:32 MS. WALLACE: -- get to anyone and --
11:37:33 THE COURT: -- can't --
11:37:33 MS. WALLACE: -- they can't access it themselves.
11:37:35 THE COURT: -- can't pull it out?
11:37:36 MS. WALLACE: And they can't even access it themselves. And we've agreed when we access it, if it's submitted for settlement, to give them Bates stamp numbers for the documents that will then be used. We've got all the documents. If we do a global settlement, we're going to give them, from this data that we can use, the Bates stamp numbers for each Marine that will identify where they were, more information, when they were there, et cetera.
11:38:03 THE COURT: And when you talk about global settlement, you're talking about people that are not in the litigation. They're --
11:38:07 MR. BELL: That's correct, Judge.
11:38:07 THE COURT: -- still in the Navy?
11:38:08 MR. BELL: One of the --
11:38:08 THE COURT: Still in the -- they're still in the Navy? And so how do you get -- how do you get out of the Navy, the DON?
11:38:15 MR. BELL: You either have to file a lawsuit --
11:38:18 THE COURT: No, but after you file your claim, it's

either denied or after six months --

MR. BELL: Most of them are pending.

THE COURT: Why are they still pending?

MR. BELL: If the Government denies them, then we will have to file 400,000 lawsuits.

MS. ADAMS: Your Honor, the claims that are in the Navy, they are able to file a lawsuit after six months that the Navy has had it. If the Navy denies the claims, then the claimant has six months to file an action in the lawsuit.

But, Your Honor, if I could step back and correct --

THE COURT: So you're -- and you're -- you're saying that, well, once you file your lawsuit, you'll be able to get this information?

MS. ADAMS: Yes, sir. And they are able to get this information maybe not in the exact same format, but the data that's in this data is so much more expansive than what Ms. Wallace is talking about with the DMDC data. The DMDC data had the records for Camp Pendleton and Camp Lejeune. Those were the sets that were explicitly used by ATSDR to inform their water models. And the data that we're talking about is service wide. This is across the world, every Marine in every country, ocean, and state of this -- of this country, and it is extremely expansive with a lot more data. As Ms. Wallace mentioned, it shows weekly and monthly and quarterly movements of these Marines. And this is much different to what we agreed

with the DMDC data and the housing records in litigation.

THE COURT: And so what Mr. Bell had offered, you heard Mr. Bell describe his offer?

MS. ADAMS: Yes, sir, and I'm --

THE COURT: I'm sure you've heard that before because you've had a meet-and-confer on this issue. So what is your response to that?

MS. ADAMS: My response is that they originally said this data is being kept on safes -- in safes on hard drives and only accessed by Mr. Williams. But now they're saying, well -- and I don't understand this, and I do have a technology background. I'm trying to figure this out because if the data is on a hard drive in a safe, how in the world can it get to Rubris for the Government and these claimants to access it? Technologically, I just don't think that's feasible. And we have asked for a demonstration, and the plaintiffs have said, "Well, once you agree that we can use it, well, then we'll give you a demonstration and then we'll explain and answer your questions." But we have important questions that need to be addressed before they start using this data.

MR. BELL: Judge, she hasn't answered the question. The question is they were concerned about whether someone could hack it, get involved. That is the first time that I heard that complaint -- that concern. And Mr. Williams had to have loaded this data onto his computers to work, to figure out his

11:41:12 software. They're software writers, and they did their own
11:41:15 work and came up with a way to manage it.
11:41:17 So what Mr. Williams can do is put this on an
11:41:21 internal server that has no internet access. We'll be glad to
11:41:25 furnish the service for him to get that done.
11:41:28 THE COURT: Okay. Because I do not have a technical
11:41:30 background.
11:41:30 MR. BELL: Yes, sir.
11:41:31 THE COURT: What is your response to that?
11:41:35 MS. ADAMS: Well, the response is that it doesn't
11:41:38 make sense to me. Maybe they can --
11:41:40 THE COURT: What do you mean, logistically?
11:41:41 MS. ADAMS: -- explain it. Yes. So if the data is
11:41:44 on an internal server without access to the public, then
11:41:49 Mr. Williams, whoever this person is, would be running the
11:41:52 software and then generating what? Ms. Wallace says they'll
11:41:57 generate Bates stamp numbers that they can produce to the
11:41:59 Government, but that is not substantiation. That's just a
11:42:03 bunch of numbers, and they have not explained is the Government
11:42:06 going to have to pull up all these Bates stamp numbers and
11:42:10 verify them? Are they going to verify them? What are they
11:42:13 going to provide to the attorney or to the claimant who has
11:42:16 asked for them? Are they going to get just a bunch of Bates
11:42:19 numbers? We just have multiple questions that we --
11:42:23 THE COURT: Well, you may have multiple questions,

but what are your concerns?

MS. ADAMS: Security.

THE COURT: I mean, I understand your -- the idea of a --

MR. BELL: Let me -- let me address --

THE COURT: -- security concern, but --

MR. BELL: -- let me address something.

THE COURT: -- that doesn't sound like a security concern to me.

MS. ADAMS: Yes, sir. I maybe have conflated them. There are two issues. The number one issue is security. These Marines did not consent to have all of their data sent to this litigation, you know, for FOIA requests.

THE COURT: You're talking about a Camp Pendleton Marine?

MS. ADAMS: Yes. Well, any Marine. Any Marine. The -- a service member can issue a FOIA request and get their data. NARA, National Archives and the Veterans Affairs will not release any data to anyone except for the service member, they're next of kin if they're deceased, or someone who has been expressly authorized to receive that data.

THE COURT: Unless it's 50 years, older, right?

MS. ADAMS: Sixty-two. Sixty-two, Your Honor. But this in this litigation, we got express consent forms and authorizations from every single bellwether plaintiff and

discovery pool plaintiff that we got records for. That was the only way that we could even get them from the National Archives and Veterans Affairs. And now plaintiffs have figured out some way that they can search all of this data, but it's -- I think it's -- it stretches it quite far to say that we haven't had any problems until now and so we won't. But as we know, I mean, the -- there are numerous organizations, government entities and companies across the world that have been hijacked and cyber hacked.

THE COURT: Well, so what's the --

MR. BELL: Judge, let me --

THE COURT: What's the hijacking concern if he's on an unconnected computer?

MR. BELL: Let me clear something up, if you don't mind, Your Honor. Their concern initially was that if lawyer A, part of our group but not part of the PLG, got a copy of this record and now it's out in the public domain. So we suggested that what we would do is if lawyer Jones called in or Smith called in and wanted to substantiate where their client was living and when they were living there -- and we would furnish the Government the Bates numbers. The Government can use the Bates number because they are the ones that Bates stamped these -- these documents. They can use the Bates number -- they'll probably be five or six Bates numbers -- and pull those up quickly. That's an easy thing to do.

11:44:58 MS. ADAMS: Your Honor, if I may say --
11:45:00 MR. BELL: No, let me -- let me --
11:45:00 THE COURT: Let him --
11:45:00 MR. BELL: -- finish.
11:45:00 THE COURT: He can --
11:45:00 MR. BELL: But what's important about these, if these
11:45:04 other documents that Ms. Wallace was talking about says that a
11:45:07 Marine was there for three months, what we don't know is
11:45:12 whether he was actually at Camp Lejeune for three months or
11:45:15 whether he was on a ship somewhere for two of those three
11:45:19 months, and so we've got to figure out how many days they were
11:45:22 actually there.
11:45:22 As you are aware, Your Honor, the EO gives different
11:45:26 strata for the length of time you're on the base. If you're
11:45:30 there X number of days, you get a different -- a different
11:45:33 allowance of money than you would if you were there five years.
11:45:37 For example, if you were there five years, you get the highest
11:45:40 number. If you're there 90 days, you get the lowest number.
11:45:44 So just to have the length of time you're stationed there
11:45:48 doesn't tell you the story.
11:45:49 These documents, Your Honor -- and you can imagine
11:45:52 the 100 plaintiffs we had in the -- in the pool initially, how
11:45:56 hard it was to get just that information for those 100. Can
11:45:59 you imagine 400,000 people trying to get it? Now we can do it
11:46:04 in a split second, Judge.

11:46:06 THE COURT: All right. Ms. Adams.
11:46:07 MS. ADAMS: Yes, Your Honor. So if you can imagine
11:46:11 what Mr. Bell is saying about the 100 plaintiffs and getting
11:46:14 those records, he's suggesting sending Bates numbers to the
11:46:17 Government for up to 400,000 claimants. He says maybe five or
11:46:23 six documents, but in their own correspondence they sent
11:46:26 several weeks ago, they did a search for one service member,
11:46:29 and they came up with 53 unique records for that individual.
11:46:33 And this goes a little bit more outside of the
11:46:39 security part, but the substantiation -- I mean, the burden
11:46:43 that this would put on the Government to check all of these
11:46:46 Bates numbers is just astronomical, and we've only asked for
11:46:50 some explanation of how they would substantiate these claims
11:46:54 without just dumping a whole bunch of Bates numbers onto the
11:46:55 Government. But, again, that's aside from the security issues
11:46:59 that we have.
11:46:59 MR. BELL: Judge, that's nonsensical. The burden on
11:47:03 the Government is to look at the Bates numbers we furnish them
11:47:05 and that's a burden on them, but yet they want us to file
11:47:09 400,000 freedom of information, and they got to go out and get
11:47:12 the same Bates numbers that'll take almost years and years to
11:47:16 get? That's just -- that doesn't make any sense.
11:47:18 MR. BAIN: Your Honor, if I can just make a couple of
11:47:20 points, and one of them is if something goes wrong with someone
11:47:23 who's not in litigation, someone they turn over a document to

or have gotten an issue, they're outside the jurisdiction of this Court to enforce the protective order. The second thing is --

THE COURT: What's going to go wrong?

MR. BAIN: Well, there might be some inadvertent release of PII from someone who's not a member of the -- of the claimant pool.

THE COURT: Someone's attorney?

MR. BAIN: Some attorney may release it inadvertently or a plaintiff may get access to it because it wasn't redacted properly or something like that, and then we've released information like PII of someone who's not even in this litigation. That's a huge concern that we have. And so this Court, you know, has expressed in the protective order the jurisdiction of this Court does not expand to people who are not in litigation. That's the one point I'd like to make.

Another point is this whole issue that people cannot substantiate their claims without this information is really a red herring. We've done discovery on a hundred plaintiffs. We've had 25 bellwether plaintiffs. They've all been able to get the information about where they were at Camp Lejeune. We've had thousands of people substantiate their claims in the administrative process to get EO offers. So this -- this whole thing is -- that they can't get the information without getting access to this is really a red herring. They have been able to

get the information. What they don't want to do is do the work to get the individualized information the way that these other people have done so. And this is a data that they want to use to make some broad generalizations about the claimant pool for purposes of global resolution, which is really what the questionnaire process that we've been working on for two years is supposed to cover.

THE COURT: So the solution would be just for them to come over into the litigation, and at which point, they would be able to access this information, having signed --

MR. BAIN: That's right, Your Honor. Once they're in the litigation, then the records have been produced as part of the litigation. And as you may know, we've filed a motion for a *Lone Pine* order. So when the Navy does deny the claims, the claimants will have to make the decision whether to go into litigation or not. That will separate out claims that have any merit at all from what we think are the vast majority of the claims, which have no merit, and then they'll be able to get access to this information as we've produced it to be able to substantiate where they were on Camp Lejeune. They should be able to get most everything they need from their DD214s and other information they can get through FOIA, as everyone else has.

MS. WALLACE: Your Honor, I just have to point this out to the Court. In the second, third and fourth scheduling

order, all of them have a --

THE COURT: In the protective order?

MS. WALLACE: Protective order, yes, sir. I'm sorry. All of them have an Exhibit A attached. The Exhibit A, which the Government insisted on and we agreed to, says that for the purposes of their agreeing to let us use the family housing data, the defense manpower data, and even the data involving the muster rolls, that the Exhibit A says you will, quote, "Voluntarily submit to the jurisdiction of the Court." So everyone who uses this other data; that is, the same government data that has Social Security numbers and everything, we've all agreed there's an Exhibit A to every protective order we submit to the jurisdiction of the Court.

THE COURT: Now, why doesn't that answer your question?

MR. BAIN: We agreed to that for the limited purposes of the housing card data, which was directly relevant to Camp Lejeune. It was housing card data for people at Camp Lejeune and for the DMDC data, which was for the people who were in the ATSDR study -- so that was Camp Lejeune people and a limited number of Camp Pendleton people -- so that they could have that very relevant information. As Ms. Adams said, this is service wide, the entire Marines for the entire 50-year period, so this is much more.

THE COURT: So they're still signing the -- they're

still signing Exhibit A, right?

MR. BAIN: They are, but the concern, you know, we agreed to Exhibit A because, you know, the privacy interests there were not nearly what they are for this large amount of data that the -- the Department of the Navy, frankly, is very concerned about this, and they haven't, you know, agreed to what the plaintiffs are asking for.

MR. BELL: Your Honor, we --

MS. ADAMS: And, Your Honor, if I --

THE COURT: Hold on a second.

MR. BELL: We have already fixed that because I mentioned to the Court a minute ago that we would restrict only the PLG. That's six people.

THE COURT: Of running the search?

MR. BELL: Not running at all; just to have access to it, to look at it. Only Mr. Williams will be running it. And if we only turn over Bates numbers and not the document, none of this is a problem. We will --

THE COURT: So John Jones is representing -- I made up the name. Maybe there is a John Jones. But John Jones, a fictional attorney, is representing a claimant in the EO. He wants to get this information for his client, his client-claimant. John Jones does not get the entire data set. He talks to Mr. Williams. "Mr. Williams, my name is John Jones. I'm representing Sally Smith."

11:52:45 John -- Williams runs the search. Williams says,
11:52:53 "I've got the documents for John Jones -- or for your client,
11:52:57 Sally Smith" -- I'm getting lost in my hypothetical --
11:52:59 "Mr. Jones. You have to sign this document, this Exhibit A, to
11:53:08 get this information."
11:53:10 MR. BELL: Or, or --
11:53:10 THE COURT: And so John Jones signs Exhibit A. John
11:53:15 Jones has not seen the entire data set. He just sees Sally
11:53:19 Smith's. So he's not looking at Pendleton. He's not looking
11:53:22 at Okinawa. He's not looking at any other connection to the
11:53:26 Marine Corps except for his client's connection to Camp
11:53:29 Lejeune, when she was there, where she was and why. And,
11:53:33 furthermore, he has signed a document committing him to the
11:53:40 jurisdiction of this Court.
11:53:40 MR. BELL: That's right.
11:53:41 THE COURT: What's the problem?
11:53:43 MR. BAIN: Well, Your Honor, this is mixed in with a
11:53:45 lot of information from other people, so if --
11:53:48 THE COURT: So, this is a -- I'm making a protective
11:53:49 order here. This is a novel idea. What's the problem with
11:53:52 that situation?
11:53:54 MR. BAIN: Well, they sign the certification and a --
11:53:56 there's a -- this is a large amount of information, and a
11:53:59 mistake is made and their information for another Marine is
11:54:02 turned over, who had nothing to do with this litigation,

because this information is interspersed. There's going to have to be a lot of --

THE COURT: Is that realistic? I mean, is that really going to happen?

MR. BAIN: This information is pretty interspersed, and this is, you know, a large amount of information. There's going to have to be a lot of redactions made when this information is produced.

THE COURT: That's on them, right?

MR. BELL: Judge, even better than that --

THE COURT: I've signed the document committing myself to the jurisdiction of this Court.

MR. BELL: Even better than that, Your Honor, Mr. Williams and his -- they did the software. This is a homegrown software. In their software, they can actually make a report from their search that identifies the document and Bates number without actually producing the document. So that lawyer who's already signed wouldn't even see the document. That would be then submitted to the Government, and they can go look up the Bates if they need to verify it.

THE COURT: What is -- in my hypothetical, what does Attorney Jones get?

MR. BELL: Attorney Jones would get a report, be a standard report for everybody, and they would say --

THE COURT: I'm only -- he's only representing Sally

Smith.

MR. BELL: I got it.

THE COURT: He's only concerned about Sally Smith.

MR. BELL: So he can find out that Sally Smith was there five different times, and these -- these date ranges and X number of days on the base, where they were located, where they lived and things like that.

THE COURT: What else does he get?

MR. BELL: Well, they can, for example, if you're Sally Smith and you're Marine husband, John Smith, then you can find out where he lived. You may not be able to find out where she lived. So you'll have to do the search for her husband. Or if you're a child, you may have to look up your father. So there's a lot there. But every time they've come up with a concern, we've met the concern. Then all of a sudden, there's another concern.

And, Judge, I don't know if there's anything that I have ever heard of in litigation, except for reading rooms where you can't take anything out of the reading room, where there's any better protection than what we've offered.

THE COURT: You have one person controlling access to the data set?

MR. BELL: One person.

THE COURT: And furthermore, the recipient is signing a document --

MR. BELL: That's correct.

THE COURT: -- Exhibit A that you talked about?

MR. BELL: That's correct.

THE COURT: Okay. Yes, ma'am.

MS. ADAMS: Yes, Your Honor, the Sally Smith scenario that Mr. Bell is describing, Mr. Jones, the attorney, would -- according to Mr. Bell, would get a report showing the document name and a Bates number. It doesn't show an address or where her husband lived, or if she was a dependent or anything. It's a Bates number. So even though it's the plaintiff's burden to substantiate their claim, Mr. Bell is suggesting they just give it to the attorney and the attorney gives it to the Government to look up these Bates numbers and verify it if we want to.

MR. BELL: So if we -- if we produce the document to him, they're objecting. If we only produce the Bates number, they're objecting. What do they want?

THE COURT: Well, wait a minute. Now, in my hypothetical -- maybe I'm missed something. I don't understand the Bates number.

MR. BELL: So every document out of the millions and millions of documents has a Bates number.

THE COURT: Right.

MR. BELL: That is searchable, and so if it's Bates number A, B, C, D, E, and F.

THE COURT: Well, I'm John Jones. I don't care about

a Bates number. I care about Sally Smith.

MR. BELL: Well, I get that.

THE COURT: I don't want a Bates number. I want a document that says Sally Smith was at Tarawa Terrace in 1974.

MR. BELL: I'm just saying, Your Honor, if you're John Jones and you would substantiate to the Government Mrs. Smith -- Mrs. Smith was there these dates, proof of which are on these documents Bates numbers, and then --

THE COURT: Okay. And then your concern is what with the Bates number?

MS. ADAMS: The Bates number is not substantiation. It's a Bates number. And in order to see what that document says, the United States would have to pull up that Bates number to see what it is, and on top of that, the Bates number -- I mean that actual document is just a list of people and their Social Security numbers and what's called a RUC code, a report unit code, and it doesn't say this person lived at Tarawa Terrace. It says what unit they were assigned to, and then there's some sort of list that the plaintiffs have developed to say these reporting unit codes were present at Camp Lejeune for a certain period of time, which they have not explained how they've developed that system, or that list. They've not shared the list with us. So in other words, they're expecting the Government to substantiate their client's claims.

THE COURT: How so? I don't -- I don't understand

that. So the search is run. The documents are provided to -- Corporal Smith's documents were provided to the attorney, and then you get a -- you get a Bates number from the PLG?

MS. ADAMS: That's what they're saying, Your Honor.

THE COURT: So what's the problem there?

MS. ADAMS: So the Bates number doesn't say anything except the page number of the document.

THE COURT: So, I mean --

MS. ADAMS: The document --

THE COURT: -- I don't understand.

MS. ADAMS: -- itself -- even if -- even if the Government did do that for 400,000 claimants who are, you know, filling out claims, the Government would have to pull up each Bates number and say, okay, here is a report of where Sally Smith was located in January of 1981.

THE COURT: Okay.

MS. ADAMS: That document doesn't say she lived at Tarawa Terrace. It says she was assigned to this particular five-digit reporting unit code. It doesn't say where that reporting unit code was in January of 1981. In order to do that, then the Government would have to figure out, okay, so this five-digit unit code, where was that in January '81. So it's not substantiation at all. It's just a list of numbers. And I will want to point out, too, Your Honor --

THE COURT: Well, why do you -- why do you care about

12:00:04 that? And your concern is security, right?
12:00:07 MS. ADAMS: Yes, and that's what I was just going to
12:00:09 say, Your Honor. This is a conversation about the utility and
12:00:12 the usefulness of the data, and that is, in my mind, a separate
12:00:17 issue. The way that the proposed protective order is drafted
12:00:21 currently from the United States, it says that even if you sign
12:00:26 Exhibit A, Exhibit A only applies for the MCDP data to people
12:00:31 who agree to use this data only in litigation. We have never
12:00:36 and do not agree that this data can be used outside of the
12:00:40 litigation at this time.
12:00:42 MS. WALLACE: Your Honor, the 'very same wording in
12:00:44 Exhibit A they agreed to, to allow us to use the family housing
12:00:49 data --
12:00:49 THE COURT: Right. I get that.
12:00:50 MS. WALLACE: -- and the other --
12:00:51 THE COURT: But your --
12:00:51 MS. WALLACE: It's the same one.
12:00:52 THE COURT: I mean, your response to that is, well,
12:00:54 the data has changed?
12:00:57 MS. ADAMS: Yes. Exhibit A does not apply to MCDP.
12:01:00 THE COURT: Because the -- the data has changed
12:01:02 because it's a lot more data, it's more detailed and it has,
12:01:08 you said, PII in it?
12:01:10 MS. ADAMS: Very much PII.
12:01:12 THE COURT: Okay.

12:01:14 MS. WALLACE: Your Honor, that argument is just -- it
12:01:17 makes no sense. What we've said in letter after letter and
12:01:21 when we had -- and even allowed them to question Mr. Williams
12:01:25 on our call, was simply this -- we -- what they're talking
12:01:30 about is what should be required for a global resolution. What
12:01:35 they're talking about are terms that PLG would negotiate
12:01:38 through the Settlement Masters on how we would go about what
12:01:42 would be needed to confirm and process the claim, what we would
12:01:47 have to prove. That's what they're talking about.
12:01:49 What we're talking about, and we've told them this,
12:01:52 we will, maybe not in every case, but a number of the cases,
12:01:57 the majority, probably, have to use this data to supplement,
12:02:00 but we intend to give you the hard copies of the DD214, this --
12:02:06 a summary of where they were, other documents.
12:02:09 We have millions of documents we've acquired. We
12:02:13 intend to use all of our documents to substantiate the claims.
12:02:16 This will be a part of it, and all we said as to these
12:02:20 documents was instead of giving you -- the example of the
12:02:24 gentleman with 53 additional documents -- reprinting for you --
12:02:28 that particular gentleman had 212 pages of documents. Instead
12:02:32 of reprinting that, let us just give you the Bates stamp
12:02:34 numbers because that saves the process. It's more common
12:02:38 sense. You can just pull it up if you question us.
12:02:41 So that argument really wasn't what we discussed at
12:02:45 all. We will be giving you what you need, and then we will

12:02:48 give you what's relevant from these documents, the additional
12:02:50 Bates stamp numbers. But if they want the documents, we'll be
12:02:54 happy to give them the documents.
12:02:56 MR. BELL: Judge, when we send in these documents
12:02:59 now, every one of the files are audited before they agree to do
12:03:04 anything. All we're saying is we're going to send you the
12:03:08 Bates numbers for each page. All you've got to do is sit at a
12:03:12 computer and do your audit, or if they want us to send hard
12:03:16 copies of that document to the Government, we'll do that.
12:03:18 THE COURT: What is the purpose of sending Bates
12:03:20 numbers to the Government?
12:03:22 MR. BELL: Their concern is not having the documents
12:03:26 floating around in cyberspace, okay?
12:03:29 THE COURT: Right.
12:03:30 MR. BELL: So if we send Bates numbers, even if those
12:03:32 were hacked, no one would know what they are.
12:03:34 THE COURT: Yeah, but why are you sending them in the
12:03:35 first place?
12:03:35 MR. BELL: Sir?
12:03:36 THE COURT: Why are you sending them in the first
12:03:38 place?
12:03:38 MR. BELL: Well, for example, for EO substantiation.
12:03:41 That would be one reason. The other part, Your Honor, is we're
12:03:45 in the middle of global settlement talks. Questions come up.
12:03:51 How many people do you have that lived at Camp Geiger? How

many people do you have that this and that? That's information that we need to have to give us information of how to negotiate a settlement.

But, Judge, one thing, no one has -- no one has argued these documents are relevant. No one has argued that they're not. No one has argued that we have possession of those documents. We do. Now, the only question is, is there anything that we need to put in the -- in the protective order, and their main concern -- they're worried about hacking -- we've given the Court a valid, good, solid answer that we'll make it hack proof.

THE COURT: Mr. Bain, Ms. Adams, I don't -- I don't -- you may have been involved at this point in the litigation. I know Mr. Bain was. Is it true that the second and third protective orders include the language that the plaintiffs have described regarding the use of these -- this -- the family -- not the -- not the information I'm talking about now, but the other, the family information, housing?

MR. BAIN: Yeah, again, that was limited to the housing card information and the -- what's called the DMDC data. So those were much more limited data sets than this particular data set.

THE COURT: Yeah.

MR. BAIN: And so that's -- and we agreed that they could use it at that time to help substantiate the EO. It was

particularly targeted at Camp Lejeune and the very relevant information for Camp Lejeune. Again, this is service wide, people who had no connection to Camp Lejeune or this litigation whatsoever.

MR. BELL: They wouldn't get those documents, Judge. The only thing they would get would be their clients' documents.

THE COURT: Are the definitions for the following terms: "Claimant, global resolution process, and administrative claims process," are those the same in the parties' fourth amended protective order as they were in the previous protective orders?

MS. WALLACE: Your Honor, in the previous, second and third, the DMDC data and the housing data on page 15, 16, 17 of those, they define them, what they are. Likewise, in both the fourth protective orders, we both included a definition of the muster roll data.

THE COURT: Okay.

MS. WALLACE: They go on to say that any licensed attorney, once they get the protective order and sign the declaration, including Exhibit A, allowing the Court to have jurisdiction over violations of the protective order --

THE COURT: Does the fourth -- does the fourth version, the fourth amended protective order, does that define claimant, global resolution process, and administrative claims

process?

MS. WALLACE: It just says "global resolution" and it says "EO." And in the third one, they go so far as the EO to describe how we're allowed to use that government data for EOs and how we will share it with the Navy. That language is missing in the fourth simply because we didn't think it was necessary. We might should put it back in, but we just say we would -- they say, quote, "We agree to let you use it solely for the purposes of this action."

Our language, to the contrary, says, "We agree to use this data solely for the purposes of the action, any global resolution process overseen by the Court, and/or for the claims in the administrative claims process and EO process." That's the language we have. Theirs is narrowly limited to the purposes of the action.

And, Your Honor, what will happen if we can't get this -- our phone is ringing off the hook. The lawyers, they put in writing, and they stand up here and they talk about how over 80 to 90 percent of us cannot substantiate our EO claims.

THE COURT: Why not?

MS. WALLACE: Because we need the data. We need this data to do it. And, likewise, Your Honor, this data will help us with the global resolution. It's obvious, from their statements to the Court before, they don't want to pay certain people who lived in certain places for certain periods of time.

All of that data we're going to have now if we can use this data.

Otherwise, what is going to happen with their *Lone* motion they filed is you will have 400,000 lawsuits because to substantiate your EO or to prove where you were if your DD214 is not sufficient -- and they're telling you 90 percent of the time they don't think what we're submitting is -- these people are going to have to file lawsuits, 400-and-some thousand people. We ran the math. You're talking tens of millions of dollars just to get the data.

THE COURT: Well, that was -- that's what Congress allowed them to do when the EO was an add-on, right?

MS. WALLACE: Yes, sir.

THE COURT: I mean, wasn't the EO an add-on and --

MS. WALLACE: Yes, sir, but they --

THE COURT: That's what the statute says, file a lawsuit.

MS. WALLACE: Yes, sir, but they filed this *Lone Pine* motion. They don't even include in that *Lone Pine* motion allowing us to use the very data they agreed to in the second and the third protective order. And now we've even offered to share with them, to let them audit however they choose, letting us use the muster roll data. So it's very disheartening for us and lawyers around the country who have clients who want to settle. We've got the data. We've had this data for months.

We've had a meet-and-confer, a meet-and-confer, but it's always a different reason we can't use it.

THE COURT: All right. Ms. Adams.

MS. ADAMS: Yes, sir. Your Honor, back to the Exhibit A, our proposed protection -- protective order only applies Exhibit A if they agree to use it for the action. In our mind, the protective order that we have proposed is of -- able to be ordered today. All we would ask is that we would have another order at a later time to determine, okay, this whole Bates number issue, like, who is going to provide the data to the Government, what are you going to provide, what are you going to provide to the claimant? All of those things we believe could be in -- captured in a separate order. But the protective order that we have now would -- as long as we can keep this data secure, could be used to -- allow this use in the litigation, not outside of it.

MR. BAIN: And, Your Honor, if I could just make one other point. They say, you know, well, they haven't substantiated their claims because they don't have this information. Almost everyone who hasn't substantiated their claims, they haven't even submitted a DD214 or a medical record. They haven't submitted anything. So it's not as if this is the information that they need.

THE COURT: All right. Anything else I should know?

MS. WALLACE: Your Honor, actually, just one thing.

The proposed protective orders are almost identical. The only difference is on page 17, number 3, where they say we can use it solely for litigation and we say for the other, but, Your Honor, if the same process would be followed, it's simply one sentence difference. We're just asking that you will adopt ours, which does allow us to use it under the terms that Mr. Bell suggested.

And it might be, Your Honor, we'd be willing to prepare another proposed order -- I think that would be appropriate for the Court -- that would narrowly confirm what Mr. Bell said as to how no one else would have access except for that. I think that should give them the confidence to not be worried about their concern.

THE COURT: All right. If you want to file it and the Government can respond to it.

Ms. Adams.

MS. ADAMS: Yes, I'll just say that that one sentence that Ms. Wallace mentions has huge ramifications for this litigation. And as Your Honor has mentioned several times, as well as the other judges in this district, there is no jurisdiction over the administrative process, the EO process, over settlement. This is a court that handles litigation, and that's what we're here for, and that's what we are willing to discuss with the plaintiffs. That one sentence, we believe, is the -- is a very different protective order than what we're

12:12:24 1 willing to agree to.
12:12:24 2 THE COURT: Well, it's that -- in your -- from your
12:12:27 3 point, it's that sentence because of the type of information --
12:12:33 4 because the information has changed?
12:12:36 5 MS. ADAMS: That, yes, sir, and the protective order
12:12:39 6 is over the litigation, not over other things.
12:12:43 7 THE COURT: Okay. All right. Anything else we need
12:12:45 8 to talk about?
12:12:45 9 MR. BELL: Your Honor, I certainly can't speak for
12:12:49 10 Judge Gates, but I'm certain Judge Gates would confirm that
12:12:54 11 this would be -- this would be useful information in the global
12:12:58 12 resolution process.
12:13:01 13 THE COURT: All right. Anything else regarding
12:13:03 14 anything?
12:13:04 15 MR. BELL: No, Your Honor.
12:13:05 16 MR. BAIN: No, thank you, Your Honor. Your Honor, do
12:13:11 17 you want to set a date for the next conference?
12:13:13 18 THE COURT: That's a good idea. Let's see here. And
12:13:15 19 now we enter holiday season. Okay. So the week of the -- and
12:13:25 20 your trials, well, those trials are January, right?
12:13:28 21 MR. BAIN: Your Honor, we -- if you want to do it on
12:13:31 22 Monday, I think the 14th of December would be --
12:13:34 23 THE COURT: Oh, that far out.
12:13:35 24 MR. BAIN: Yeah, well, with Thanksgiving coming up
12:13:37 25 and other things we're working on.

12:13:39 MR. BELL: Well, I mean, December is only two weeks
12:13:40 away, Judge.
12:13:41 THE COURT: Yeah.
12:13:44 MR. BELL: I mean, we don't -- Judge, we don't have,
12:13:47 except for this issue, anything pending. Maybe a quick
12:13:55 telephone conference might be judiciously easier, but we
12:14:00 could -- we could do something maybe right before Christmas or
12:14:04 even right after the new year.
12:14:06 THE COURT: You've got a trial January 4 and 11 and
12:14:10 pretrial conference on the 26th, or sometime in January?
12:14:16 MR. BELL: The pretrial conference is going to be
12:14:17 here in Wilmington, Judge.
12:14:19 THE COURT: I've got a mediation December 14th in
12:14:24 another case; is that right?
12:14:26 THE CLERK: Yeah.
12:14:30 MR. BAIN: We could do any time that week, Your
12:14:31 Honor, I think.
12:14:33 THE COURT: I'm sorry, what?
12:14:33 MR. BAIN: We could do any time that week.
12:14:34 MR. BELL: What week is that?
12:14:34 MR. BAIN: December 14th.
12:14:38 THE COURT: Is that week okay with you?
12:14:40 MR. BELL: Judge, I have a trial myself personally,
12:14:46 but I can have someone fill in if I'm not here.
12:14:54 THE COURT: How about the week of the 7th?

MR. BAIN: Yeah, we could do that week, Your Honor.
THE COURT: You got availability then?
MR. BELL: That's December, right?
THE COURT: Yes, sir.
MR. BELL: Or December or Jan- -- okay. I'm wrong, Judge. I'm thinking January. The 7th looks fine with us.
THE COURT: What do I got December the 7th, the week?
THE CLERK: Brandy is letting me know. She's double-checking.
THE COURT: Okay. Afternoon of the 7th or all -- or any time the 8th or the 9th.
MR. BAIN: Either of -- any of those are fine, Your Honor. We can make it.
MR. BELL: Judge, closer to that weekend would be better, maybe the 10th or 11th.
THE COURT: We got the 10th or 11th?
THE CLERK: You've got criminal court the 10th and 11th.
THE COURT: Here? I have stuff scheduled then?
THE CLERK: You have court the 10th, arraignments the 11th.
THE COURT: All right, those are -- how about the 9th? That's probably the best I can do, 11:00 a.m. on December the 9th?
MR. BELL: Yes, sir, that sounds good.

12:17:30 MR. BAIN: Yes, Your Honor.

12:17:31 THE COURT: Okay. Thank you very much. We are in recess.

12:17:34 MS. WALLACE: Thank you.

12:17:58 MR. BELL: Thank you, Your Honor.

12:17:59 THE COURT: Thank you.

12:17:59 (Proceeding concluded at 12:18 p.m.)

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 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 17th day of November, 2026.

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