

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

IN RE:)
)
CAMP LEJEUNE WATER LITIGATION) Docket No.
) 7:23-CV-897

THURSDAY, MARCH 5, 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
Jenna F. Butler, Esquire
A. Charles Ellis, Esquire
Eric W. Flynn, Esquire
James A. Roberts, III, Esquire
Mona Lisa Wallace, Esquire

On Behalf of the Defendant:

John A. Bain, Esquire
Joshua G. Carpenito, Esquire
Bridget Bailey Lipscomb, Esquire (Via Telephone)
Sara J. Mirsky, Esquire
David R. Ortiz, Esquire

Settlement Master

Eleanor Slota (Via Telephone)

TAMMY JOHNSON, CVR-CM-M, RVR
Official Court Reporter
United States District Court
Raleigh, North Carolina
Stenomask with computer-aided transcription

1 Thursday, March 5, 2026 at 11:10 a.m.

2 **P R O C E E D I N G S**

3 THE COURT: All right. Mr. Bell, I thought this was
4 going to be on the telephone.

5 MR. BELL: Your Honor, we were hoping, but that
6 didn't work out.

7 THE COURT: Okay.

8 MR. BELL: But we'd like to do that one day.

9 THE COURT: Okay.

10 MR. BELL: Judge, I don't think there's a lot to be
11 done today. The order that came down on Friday, of course,
12 addressed a lot of motions that were in the pretrial -- or in
13 the status conference, so maybe the next status conference
14 report will be not as long. That'd be good. There are two
15 things I'd like just to bring up, Your Honor.

16 THE COURT: Okay.

17 MR. BELL: We have been talking with the Government
18 about a scheduling order for *Daubert* motions and summary
19 judgment motions, and now that the order has come down, we
20 would like to not have to discuss that schedule until each
21 judge gives us -- that's normally part of a pretrial order,
22 anyway, so...

23 THE COURT: That's my sense.

24 MR. BELL: Yes, sir.

25 THE COURT: What you're not talking -- what you're

1 not referring to, though, is the joint motion to proposed
2 dates for motions in *Daubert* for offsets, correct? That's
3 something --

4 MR. BELL: No, sir, that's not part of what I'm
5 talking about. So generally -- and, again, I can't predict
6 what each judge will do, but I think, you know, dispositive
7 motions are usually part of a pretrial order and things like
8 that. That's the first thing, Your Honor. I just wanted to
9 let you know that while I might -- why we might not be
10 discussing those.

11 Addressing the muster rolls, I think the Government
12 and PLG have reached an agreement --

13 THE COURT: Oh, good.

14 MR. BELL: -- that the Government -- we don't have a
15 time frame yet, Judge, but the Government is -- will be
16 producing -- I hope I'm right -- about three terabytes of
17 muster rolls at no cost to us, and there's a condition there,
18 Your Honor, that how we use them -- how we utilize them is
19 subject to discussions after we see what they are. In other
20 words --

21 THE COURT: What's in the report? What's in the
22 rolls?

23 MR. BELL: We don't know what they look like. We've
24 seen a couple of examples.

25 THE COURT: Okay.

1 MR. BELL: But we've agreed to have further
2 discussions on that, and if we need any guidance from the
3 Court, we'll ask you, but I think we're moving along pretty
4 well.

5 THE COURT: So is the compel motion withdrawn at
6 this point?

7 MR. BELL: Yes, sir.

8 THE COURT: Okay.

9 MR. BELL: That's it, Your Honor.

10 THE COURT: All right. Mr. Bain.

11 MR. BAIN: Your Honor, I'd like Ms. Mirsky to
12 address the muster rolls and then Mr. Ortiz to address the
13 scheduling order for the offset motions very briefly.

14 THE COURT: Okay. All right, good.

15 MS. MIRSKY: Good morning, Your Honor.

16 THE COURT: Good morning.

17 MS. MIRSKY: Sara Mirsky for the United States.
18 Mr. Bell is correct that we have agreed to preliminary terms
19 for the production of the records that are being digitized by
20 the Marine Corps. Those conditions are laid out in the joint
21 status report and were relayed the plaintiffs by e-mail on
22 February 25th, and if Your Honor wouldn't mind, I'd just like
23 to go over those terms briefly so that they are reflected in
24 the record as well.

25 THE COURT: Have you shared these with --

1 MS. MIRSKY: Yes.

2 THE COURT: -- PLG? Okay.

3 MS. MIRSKY: Yes. This is consistent with what is
4 in the latest joint status report. So as Your Honor knows,
5 the Marine Corps has completed the scanning portion and they
6 are now uploading the records to the repository. Once that is
7 completed, the Department of Justice will download the
8 standard quality records that will be available and we will
9 update PLG once we have those records in hand.

10 The United States will then be producing the
11 standard quality records pursuant to the ESI protocol on a
12 rolling basis to the plaintiffs, and once those productions
13 are complete, PLG will be hosting those in a PLG-only database
14 and will be analyzing their utility at that time and, as
15 Mr. Bell indicated, we will have further discussions related
16 to their future use.

17 THE COURT: Okay. All right.

18 MS. MIRSKY: Thank you.

19 THE COURT: Is that right? Is that consistent,
20 Mr. Bell?

21 MR. BELL: Thank you, sir. Yes, sir.

22 THE COURT: Okay. Thank you. All right.

23 MR. ORTIZ: Good morning, Your Honor. David Ortiz
24 on behalf --

25 THE COURT: Good morning.

1 MR. ORTIZ: -- of the United States. On the joint
2 motion that Your Honor referenced for damages and offsets
3 related, *Dauberts*, and motion for summary judgment, Your Honor
4 is aware we've been discussing that for some time. We had a
5 discussion on Monday in light of last Friday's order and the
6 impact, potential impact of that order on that joint motion.

7 My understanding, I think, is that we're awaiting
8 maybe some further proposals from PLG on that joint motion in
9 light of that. I think our -- so we're welcome -- we welcome
10 those proposals from them. I think our position is that it
11 still may be efficient to get *Dauberts*, whatever *Dauberts*
12 there may be in the damages phase on file, and then the
13 individual judges can take those up at the time that they see
14 fit in their discretion, but as I said, we're awaiting some
15 additional proposals.

16 THE COURT: So the Government position is that the
17 offsets are -- would be plaintiff specific and more
18 appropriately addressed by the trial judge?

19 MR. ORTIZ: Well, I think there'd be *Daubert* --
20 there could be *Dauberts* for damages and offsets experts, and
21 some of those would be plaintiff specific. Not all of the
22 damages experts have opinions that cross all of the
23 plaintiffs.

24 THE COURT: Yeah.

25 MR. ORTIZ: I think most of them do cross multiple

1 plaintiffs but would be in those individual cases if there was
2 a damages phase.

3 THE COURT: What you're not talking about is the
4 offset motion that's currently ripe?

5 MR. ORTIZ: Correct. That is the statutory
6 interpretation issue that -- it affects all the cases; that's
7 correct.

8 THE COURT: All right.

9 MR. ORTIZ: And that is ripe as of Tuesday this
10 week.

11 THE COURT: Okay.

12 MR. ORTIZ: So we're awaiting that. And I do think
13 it's fair to say that we would anticipate much less, a handful
14 of *Daubert* motions, so not too many in the damages phase.

15 THE COURT: Upon the resolution of that motion?

16 MR. ORTIZ: Well, correct, and -- well, no, I think
17 we had contemplated a schedule. I believe it would start in
18 April. I don't think that there was disagreement as to the
19 dates, but I think now PLG wants to propose some modifications
20 to the joint motion. I think that -- my understanding is
21 maybe deferring *Dauberts* and having motions for summary
22 judgment related to the damages experts, but I'll let them
23 speak to that, and we're, I think, awaiting that from them.

24 MR. BELL: Judge, I don't want to be misunderstood.
25 We believe that most -- almost all of those kind of motions

1 should wait until we hear from the individual judges. I think
2 it would be premature. I could actually see a court saying I
3 don't need a *Daubert* motion; I'm the gatekeeper; I don't need
4 that. It would be a huge, huge expense and time constraint
5 for everybody to do them. We'll do them if the Court asks us
6 to, obviously, but to prematurely do all that and have that
7 sitting in the judge's queue, I don't think that's what they
8 are asking for.

9 I know that -- I haven't practiced in this court a
10 lot. I have some. But I do know that the judges normally
11 will issue a pretrial order, have a status conference with the
12 lawyers, and get together on a schedule. And if we have a
13 *Daubert* issue relating to a witness on one of the five
14 clients, one of the five bellwethers, then I think that's
15 something that we handle then.

16 By that time, a lot of this will have shaken out. I
17 hear them saying they're waiting us, but I don't want them to
18 wait too long. Our position is, is that order was pretty
19 clear to us that those things are now going to be handled by
20 the individual judges when they are ready.

21 THE COURT: Ms. Butler is standing up.

22 MS. BUTLER: To add to what Mr. Bell said and to be
23 very clear, first of all, there's a pending motion in limine.
24 That has nothing to do with the briefing schedule. I think we
25 all agree that a prompt resolution of that motion hopefully

1 would help resolve the need for substantial additional
2 briefing and supplemental discovery, so that is outside the
3 scope. That's ripe for determination, and so I just wanted to
4 be very clear on that, that we would hope that that ruling
5 would not be delayed in any manner because of what we're
6 talking about.

7 So, second of all, to address *Daubert*, which is what
8 Mr. Bell was addressing, because of the ruling reserving the
9 individual trial judge's ability to make decisions on when
10 they're going to hear *Daubert* motions in their individual
11 trials, it was our thought that consistent with that, that
12 *Daubert* briefing should not be set at this point and to let
13 the individual trial judges indicate, for example, do they
14 want *Daubert* briefs on offset and damages experts 60 days
15 before trial or the day of trial and to reserve the *Daubert*
16 briefing for the individual judges to decide in their own
17 cases, but to allow summary judgment briefing on offsets and
18 motions to proceed. And so the schedule, that April 20, the
19 schedule in the status report, what we had proposed on Monday
20 in our meet-and-confer, was to just have that schedule set for
21 summary judgment motions on offsets and damages.

22 THE COURT: The 4/20, 5/26 and 6/24?

23 MS. BUTLER: Yes, Your Honor.

24 THE COURT: Just on summary judgment?

25 MS. BUTLER: But to reserve all *Daubert* briefing

1 subject to the individual trial judges weighing in on when
2 they want that in their trial.

3 THE COURT: Okay.

4 MS. BUTLER: So that was -- that was the proposal
5 that we made on Monday. I was not aware they were awaiting
6 any further proposal from us. I thought we were going to
7 share that with Your Honor and perhaps get some insight from
8 you as to whether that type of a proposal would be appropriate
9 because of the ruling, which, obviously, is recent and we're
10 all digesting, but it seems that the individual judges are
11 going to handle their *Dauberts* individually.

12 THE COURT: I mean, that's what it says. Why don't
13 you just get to the point where you want to go no further and
14 submit those proposals to the Court so we can look at it --

15 MR. BELL: We'll do that.

16 THE COURT: -- and the judges can decide whether
17 they want to incorporate that into just the garden-variety
18 ramp-up to trial in the pretrial order.

19 MR. ORTIZ: Understood, Your Honor. Thank you.

20 MS. BUTLER: Thank you.

21 THE COURT: All right.

22 MR. BAIN: Your Honor, I just have a few additional
23 things to raise. As the Court is aware, the parties -- or the
24 United States has been attempting to engage with the
25 Plaintiffs' Leadership Group for many months to set a schedule

1 for final supplementation of discovery, and we think that
2 that's very important in light of the recent order that the
3 judges will likely soon be setting trial schedules for this
4 case. And this is a complex case, and we need to close the
5 factual --

6 THE COURT: Why can't the district judges just do
7 this in their individual pretrial orders?

8 MR. BAIN: Well, it could be done that way, but this
9 is a discovery --

10 THE COURT: Some of our district judges actually
11 have that in their pretrial orders.

12 MR. BAIN: Yes, but there's no pretrial order in
13 this case with respect to having a deadline like that. I know
14 Judge Flanagan often has a deadline for final supplementation,
15 but unless these cases are going to be scheduled well into the
16 future -- these are complex cases that involve requesting a
17 lot of records, doing a lot of supplementation, potentially.

18 As you know from the statement, there's a plaintiff
19 who, unfortunately, has suffered an additional illness that
20 might be brought into this litigation. So I think the sooner
21 that we can have a deadline for a finalization of
22 supplementation for all sides regarding medical records and
23 offsets, then these cases will be in a good position to
24 proceed to trial efficiently and quickly.

25 But we don't have now a pretrial order from any of

1 the judges that sets a final date for supplementation, so
2 we're going to be potentially in a bad situation if the Court
3 wants to set a trial and we haven't done the requesting of
4 information yet and the exchanging of information and the
5 finalization of supplementation.

6 So we'd request that there be one universal date for
7 us to wind up all discovery and get final supplementation. So
8 we'd like to -- we'd like the Court to issue such a procedure.
9 I think two --

10 THE COURT: Would that differ among the plaintiffs,
11 among the diseases?

12 MR. BAIN: We don't --

13 THE COURT: For example -- and we can get -- we
14 can -- I want to get into this. Y'all have for a long time
15 raised the issue of logistics. Obviously, if Dr. Goodman
16 testifies, she's not going to be testifying in Elizabeth City
17 the same day she's supposed to be testifying in Wilmington.
18 So there's going to be some need to coordinate trials.

19 Well, if the supplementation date is the same for
20 all cases, I mean, I imagine some cases will go to trial first
21 before others, and there -- you know, there may be issues that
22 arise and need to supplement in a case that is tried four,
23 five, six weeks after they -- you know, the initial case was
24 tried somewhere else.

25 MR. BAIN: Well, there could be a good cause

1 exception, but I think a general -- a general final date for
2 supplementation would be helpful to the parties to set the
3 factual record, and then if there were some situation where
4 something occurred and there was good cause to bring an
5 additional condition in, that could be -- that could be raised
6 with the individual judge, for example.

7 But we would like to get a final date where we're
8 setting for offsets and for medical records, damages, expert
9 opinions, that absent good cause, this is the set factual
10 record so that we can be ready to go forward with trials for
11 these cases.

12 I also wanted to let the Court know that we welcome
13 these trials. Notwithstanding any statements to the contrary,
14 the United States has always believed that decisions in the
15 remaining 22 bellwether cases, as well as the settlements that
16 have been reached in the three other cases, will greatly
17 assist the parties in reaching a global resolution of the Camp
18 Lejeune litigation. In fact, it's going to be extremely
19 challenging for the parties to reach a global resolution
20 without decisions in the remaining cases.

21 In fact, the associate Attorney General, who's the
22 number three person in the department, would welcome the
23 opportunity to come down and discuss with the four district
24 judges the Government's position on getting these cases to
25 trial, getting decisions so that we can move the global

1 resolution process forward.

2 So all that's to say is that, you know, if we can
3 get supplementation finalized, then we can be ready to go to
4 trial. As soon as the Courts' schedules and the individual
5 judges' schedules are open, we're ready to go to trial. So we
6 welcome these trials. We're ready to go to trial as soon as
7 the Courts' schedules allow. I appreciate that the Court
8 wants to resolve some global issues that are still pending
9 before setting the individual cases for trial, but as soon as
10 those global issues are resolved, we're ready to go to trial
11 and we want to go to trial.

12 So that's the one issue I want to raise, and if the
13 Court wants to hear our position or have us file a motion
14 requesting a final supplementation date, we can certainly file
15 something like that, but we would like to get some finality on
16 that.

17 THE COURT: Okay.

18 MR. BELL: Your Honor, I don't know if you need me
19 to respond or not, but I will if you do.

20 THE COURT: Go ahead.

21 MR. BELL: Your Honor, we are constantly updating
22 our medical treatment issues. We're doing that as soon as we
23 get something in. All of our clients, or most of them are
24 having ongoing medical problems and are seeing doctors on a
25 regular basis, and as soon as we get that information, they're

1 getting it. So I don't know how the Government wants to stop
2 a plaintiff who's got horrible medical conditions and
3 basically restrict them by giving an artificial deadline. I
4 have seen courts say that 30 days before trial is a way to do
5 it, but having said that, Your Honor, I think it would be --

6 THE COURT: I'd file a motion. I don't expect that
7 it's going to be very long. Just file a motion.

8 MR. BELL: All right.

9 MR. BAIN: We'll do that, Your Honor.

10 MR. BELL: And, secondly, Your Honor, I want to make
11 sure that I just heard something that -- and I can't get into
12 some of the details because of ongoing discussions, but are we
13 hearing from the Government for the first time that there will
14 be no resolution talks without trial? Is that what they're
15 saying?

16 THE COURT: I don't think so.

17 MR. BAIN: Your Honor, I said it would be very
18 challenging to reach a global resolution without decisions in
19 these 22 cases. That's what we're saying.

20 MR. BELL: Which is different than what we're
21 hearing, Your Honor. I just want you to know that.

22 THE COURT: All right. Thank you.

23 MR. BAIN: Your Honor, I have one other issue to
24 raise, and that, as you saw in the joint status report, we
25 have made a request to file the statistics regarding settled

1 cases, including settlement of the three bellwether cases in
2 the joint status report. We believe, given the great public
3 interest in this litigation, that those statistics would be
4 helpful to the public and to let, you know, the greater public
5 know what is going on in this litigation.

6 There's been a perception that the Government is not
7 trying to resolve these cases. In fact, the Government has
8 made settlement offers of well over half a billion dollars in
9 these cases, and 90 percent of the offers that have gotten a
10 response have been accepted. So there has been great progress
11 in resolving this litigation.

12 We believe the details of this information should be
13 made available. As you'll recall, the statistics were in
14 joint status reports for some time as part of the section that
15 was entitled "Information on Settlement Efforts," but then the
16 Court stated that information regarding global settlements
17 should no longer be in the joint status reports, but the Court
18 also said that statistics regarding the settlements were not
19 confidential. So we would like to file with the joint status
20 report or some other filing the statistics regarding
21 settlements that have been reached in this case.

22 THE COURT: Would those be under seal? Would you
23 move to seal those?

24 MR. BAIN: No, we think they should be public.

25 THE COURT: Why do they have to be filed? Why don't

1 they be published somewhere else?

2 MR. BAIN: Well, that's a -- that's an option. But
3 we think they were part of the joint status reports for some
4 time.

5 THE COURT: They were part of the joint status
6 reports at the initial stages of this case and the Court felt
7 like it was helpful as far as understanding the status of the
8 case. Now that we have the Settlement Masters in place, we
9 have a magistrate judge who is the designated liaison for that
10 process, I, frankly, don't think it's proper for me to even
11 discuss too much of these matters. I'm focused on the
12 litigation.

13 MR. BAIN: Okay. Understood.

14 THE COURT: I don't -- maybe I can be convinced
15 otherwise, but I don't think that information is helpful in a
16 status report as it may have been once. But like I said, that
17 was the initial stages of this case.

18 MR. BAIN: Okay. Appreciate that, Your Honor.

19 THE COURT: Okay. Anything else?

20 MR. BELL: Nothing from the plaintiffs, Your Honor,
21 other than maybe rescheduling our next hearing.

22 THE COURT: Oh, that's right.

23 MR. CARPENITO: Your Honor, may I just briefly?
24 With respect to the plaintiff identifiers and Rubris, this has
25 been mentioned in the status report. We received an update

1 from the plaintiffs. There's really two different buckets
2 we're talking about here, pro se plaintiffs and then
3 individuals who are represented. The update I received is
4 there's 12 unresolved Rubris identifiers with respect to pro
5 se plaintiffs and, I believe, 34 with respect to individuals
6 who are represent --

7 THE COURT: This is the date of birth and --

8 MR. CARPENITO: Yes, sir. That's correct, Your
9 Honor.

10 THE COURT: -- Social Security number information?

11 MR. CARPENITO: Yes, sir.

12 THE COURT: It seemed to me that number was
13 dwindling.

14 MR. CARPENITO: It was, and then I believe with
15 respect to the progress, that number kind of stagnated. My
16 understanding with discussions with the plaintiffs this
17 morning is that there are a number of firms they're having
18 some difficulty with. I certainly don't want to speak for
19 them, so they can correct me if I'm wrong, but I believe that
20 we are going to be discussing an approach with the plaintiffs
21 in which the United States --

22 THE COURT: You mean problems getting the date of
23 birth of their clients?

24 MR. CARPENITO: From these other non-PLG firms, yes,
25 sir. My understanding is that plaintiffs are having a

1 difficult time getting that information from those other
2 firms.

3 MR. BELL: Your Honor, there are -- there are firms
4 in the -- that are not part of PLG --

5 THE COURT: Right.

6 MR. BELL: -- that are not very responsive sometimes
7 to this inquiry, and because we don't have any court -- the
8 ability for the Court to order something since they're not
9 filed, we just are getting no response. So I think the number
10 34 is pretty good compared to how much we had to get. So it's
11 not statistically important, we don't think.

12 THE COURT: Remind me, these are cases in the
13 litigation or in the --

14 MR. BELL: They're part of the 2500, Your Honor, but
15 part of the --

16 THE COURT: Are they at the Navy now or they -- have
17 they come over to the --

18 MR. BELL: They've been in the Navy except when we
19 did the survey, if you will, for the 2500 randomly selected
20 clients. Some of the law firms that were selected are not
21 part of PLG --

22 THE COURT: Okay.

23 MR. BELL: -- and have not been very --

24 THE COURT: Is this something that the Masters and
25 Judge Gates should more appropriately pursue?

1 MR. FLYNN: Your Honor, if I may, these are the
2 short form complaints.

3 THE COURT: Oh, okay, so they are in the litigation?

4 MR. FLYNN: They are in the litigation.

5 THE COURT: Okay.

6 MR. FLYNN: These firms are just intransigent and we
7 have no stick, and so I think what --

8 THE COURT: Why is the date of birth and Social
9 Security not on every government form that would be at issue
10 in this litigation?

11 MR. FLYNN: It's not a matter of the actual
12 information. It's a matter of filling in the box in Rubris,
13 and there's a number of firms that just don't want to do it
14 for whatever reason.

15 THE COURT: What's the reason?

16 MR. FLYNN: Some of them just don't respond back to
17 us. Some of them just don't want to do it. It's a very
18 strange group of folks, Your Honor, to be honest. We were
19 able to get that number down because the firms were, frankly,
20 happy to participate and amenable to listening. We've
21 identified a handful of firms that are not. I think, from
22 talking to Mr. Carpenito this morning, we have a pretty good
23 solution on how to get these firms to get in, and if not,
24 we'll come back to the Court and say we might need a little
25 bit of a stick for them.

1 THE COURT: Well, what would the Government's
2 position be on --

3 MR. CARPENITO: Your Honor, I believe that the --
4 what I interpret as somewhat of a joint approach, is the
5 United States is going to discuss perhaps sending a letter to
6 these firms, and if we have no movement after that, perhaps a
7 joint motion for cause. But, again, this is all something
8 we're discussing with the plaintiffs.

9 THE COURT: Okay.

10 MR. CARPENITO: I just wanted to provide --

11 THE COURT: Okay. This is an update. You're just
12 updating?

13 MR. CARPENITO: Yes, sir.

14 THE COURT: Okay.

15 MR. FLYNN: Your Honor, it's quite clear. There's a
16 court order that requires it. I don't know why these firms
17 think they don't have to comply. Our hope is that an email
18 from the @doj.gov will move them a little further than us, and
19 if not, we'll have to come back.

20 THE COURT: Okay.

21 MR. CARPENITO: That's it. Thank you, Your Honor.

22 THE COURT: All right.

23 MR. ELLIS: Your Honor --

24 THE COURT: Yes, sir.

25 MR. ELLIS: -- just to the point about pro se

1 plaintiffs --

2 THE COURT: Yes, sir. Yeah, that's right.

3 MR. ELLIS: Yeah, we have reached out periodically,
4 including this past Monday. That now has dwindled down to 11.

5 THE COURT: Oh, good.

6 MR. ELLIS: We've got one that came in this morning.

7 THE COURT: Okay.

8 MR. ELLIS: We're continuing to do that. Josh is
9 aware of that. We continue to be in contact about that.

10 THE COURT: All right.

11 MR. CARPENITO: Thank you, Your Honor.

12 THE COURT: All right. So today is the close of
13 track one discovery, correct?

14 MR. BELL: Yes, Your Honor.

15 THE COURT: You got -- I think you maybe have two
16 depositions on the 13th, but otherwise --

17 MS. BUTLER: Your Honor, we have a deponent -- this
18 is a very minor deponent who had an illness, and that is being
19 rescheduled to the 18th.

20 THE COURT: Yeah.

21 MS. BUTLER: But it is a very small Zoom deposition
22 on, like, one medical record. So other than that, I think
23 they're all being completed by the 13th now. Or is there one
24 on the 17th?

25 MR. ORTIZ: There's one on the 17th. That expert, I

1 believe, is the one with the flu --

2 MS. BUTLER: Oh, the flu that we've --

3 MR. ORTIZ: -- and then --

4 MS. BUTLER: Yeah, that's right.

5 MR. ORTIZ: And then there was another expert who
6 was the minor deposition that Ms. Butler referenced who will
7 be the 18th where there was also a medical issue, and that
8 will be the last one. I believe there's one -- I believe
9 there's two others next week as well --

10 MS. BUTLER: Correct.

11 MR. ORTIZ: -- that we're scheduling related. So
12 that should all be wrapped up by the 18th.

13 THE COURT: Okay.

14 MS. BUTLER: And in the proposals that we'll be
15 making, we're still sticking with the April 20 deadline, which
16 was hinged off of today's date. So we are not letting those
17 depositions in any way change the scheduling for the summary
18 judgment motions. And, again, we're taking -- our proposal is
19 to take the *Dauberts* off that schedule too, so...

20 THE COURT: Okay. I bring that up because I wanted
21 to direct the parties' attention to one of our local rules
22 that has a bearing on the timing of motions pegged off the
23 close of discovery. That may be an issue going forward,
24 but -- or may not be an issue. But I just wanted to alert the
25 parties and direct your attention to local Rule 7.1A(a)

1 regarding the timing of filing discovery motions. Okay, our
2 next meeting?

3 MR. BELL: Judge, we're in the middle of -- or
4 beginning to get in the middle of spring break.

5 THE COURT: Spring break, what's that?

6 MR. BELL: And I have two young children. One is --
7 both of them have different spring breaks, so...

8 THE COURT: That happens.

9 MR. BELL: I know. I would request, Your Honor,
10 either April 1st or April -- or the week of April 13th.

11 THE COURT: So what is the -- it's the 5th today?
12 The first full -- the first week of April?

13 MR. BELL: No, sir. Well, April 1st, which is a
14 Wednesday, I think, and -- or the week of April 13th.

15 THE COURT: Mr. Bain, what do you think?

16 MR. BAIN: Your Honor, April 1st would work. April
17 13th is quite a ways out, so -- but we could do it that week
18 as well.

19 THE COURT: Okay. I'll look at some dates. I don't
20 have my calendar with me, but I'll look at some dates and I'll
21 send some out.

22 MR. BELL: All right.

23 THE COURT: All right. Thank you very much.

24 MR. BAIN: Thank you.

25 (Proceeding concluded at 11:38 a.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 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 9th day of March, 2026.

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