

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
Case No. 7:23-cv-897

IN RE:)
)
CAMP LEJEUNE WATER LITIGATION) **UNITED STATES’ NOTICE OF**
) **REVISED TRACK 1 DISCOVERY**
) **PLAINTIFFS SELECTION**
This Document Relates To:)
)
ALL CASES)

The United States respectfully submits this revised Track 1 Discovery Plaintiffs Selection. These revisions remove previously selected Plaintiffs who filed Short Form Complaints after November 6, 2023; it replaces those selections with Plaintiffs who filed Short Form Complaints on or before November 6, 2023 and are not opted-out from Track One discovery. The United States has met and conferred with Plaintiffs’ Leadership who objects to the addition of 17 cases, marked with an asterisk below.

In Case Management Order Number 2 (“CMO 2”), D.E. 23, the Court permitted the filing of a Master Complaint and Short Form Complaints to help organize this litigation. In its order, the Court directed that “[a]ll individual Plaintiffs who wish to pursue their CLJA action in accordance with [CMO 2] (including the Discovery and Trial Plan in section XI of [CMO 2]) shall use the Short Form Complaint to pursue their CLJA actions.” D.E. 23 at 5. The Court directed that “[a]ny Plaintiff who filed a Complaint in this Court before the filing of the Master Complaint and who wishes to pursue their CLJA action in accordance with [CMO 2] (including the Discovery and Trial Plan in section XI of [CMO 2]) shall file a Short Form Complaint in the Plaintiff’s individual docket within 45 days of this Order [i.e., November 13, 2023].” *Id.* In its Discovery and Trial Plan, the Court ordered Plaintiffs’ Leadership and the United States to “each select ten Plaintiffs to be included in the Discovery Pool,” with those selections coming from Plaintiffs who

(1) “filed his or her Short Form complaint within 30 days of the filing of the Master Complaint [i.e., November 6, 2023]” and (2) did not “opt[] out of the Discovery Pool” by “notifying Plaintiffs’ Leadership and counsel for the United States within 30 days of the filing of the Master Complaint.”

On December 5, 2023, the United States and Plaintiffs’ Leadership submitted a Joint Filing with their ten respective selections for each disease. *See* D.E. 69.¹ Earlier that day, both Parties were informed that approximately 56 Plaintiffs who had previously “opted-out” now wished to be included in Track 1 selection. Due to the closeness to filing, however, neither Party selected any of those 56 Plaintiffs.

On December 6, 2023, Plaintiffs’ Leadership objected to several of the United States selections because the Short Form Complaint in those cases was filed between November 7 and November 13, 2023. Plaintiffs’ Leadership explained that those Plaintiffs who filed Short Form Complaints between November 7 and November 13 were not interested in litigation and had intended to opt-out of discovery by filing after November 6.² On December 8, 2023, the United States agreed to substitute the selections to which Plaintiffs’ Leadership had objected.

On December 11, 2023, the United States provided Plaintiffs’ Leadership with its substitute selections, including 17 selections from the 56 Plaintiffs who had expressed interest in selection on December 5. That day, the Parties met and conferred regarding substitutions. Plaintiffs’ Leadership objected to the inclusion of those 17 selections. Each of those 17 selections are represented by an attorney who is not part of Plaintiffs’ Leadership.

¹ One case, *Sharon Baker v. United States*, 7:23-cv-00957-BO, was inadvertently included on both selection lists.

² Notably, some of Plaintiffs’ Leadership’s Track 1 Discovery Plaintiff selections included cases where the operative Short Form Complaint was amended after November 6, 2023.

The United States' revised selections are as follows (cases to which Plaintiffs' Leadership objects are marked with an asterisk):

Bladder Cancer

Plaintiffs' Leadership's Selections

Cherie Bond	7:23-cv-01373-FL
Jennie Brown	7:23-cv-00282-M
Mark Cagiano	7:23-cv-00569-BO
Tom Ciotti	5:23-cv-00554-FL
Aubie Cooper	7:23-cv-00800-FL
Jefferson Criswell	7:23-cv-01482-BO
Stephen Dunning	7:23-cv-01364-FL
Terry Dyer	7:23-cv-00357-D
Robert Green	7:23-cv-01510-D
Shelly Larkins	7:23-cv-00096-BO

Defendant's Selections

Cory Buckley	7:23-cv-00885-BO
Brainerd W. Daniels	7:23-cv-01198-FL
Richard Grandchamp	7:23-cv-00804-M
William Hamilton	7:23-cv-00742-BO
James M. Herron	7:23-cv-01011-FL
*Barry Lancette	7:23-cv-01142-BO
*Gary Little	7:23-cv-01307-FL
William Matis	7:23-cv-00767-M
Daniel McTiernan	7:23-cv-00535-BO
Gary Alan Motz	7:23-cv-01499-D

Kidney Cancer

Plaintiffs' Leadership's Selections

Cary Algood	7:23-cv-01534-BO
Larry Cage	7:23-cv-01508-D
David Fancher	7:23-cv-00275-M
Dino Favors	7:23-cv-00362-M
Martin Keimig	7:23-cv-00215-FL
Allan Howard	7:23-cv-00490-FL
Dennis Monroe	7:23-cv-00276-D
Frank Mousser	7:23-cv-00667-D
John Orue	7:23-cv-00277-BO
Thomas Small	7:23-cv-01496-D

Defendant's Selections

Lawrence Critelli	7:23-cv-00435-D
*David Downs	7:23-cv-01145-FL
*Johnny Fredell	7:23-cv-01418-BO
Harvey Gilchrist	7:23-cv-01571-D
Ernest David Hunt	7:23-cv-00452-BO
Ronald Paul Lind, Jr.	7:23-cv-01518-M
Andrew Przenkop	7:23-cv-01435-M
Benjamin Santana II	7:23-cv-01494-M
Jacqueline Tukes	7:23-cv-01553-BO
Stephen Lee Woods	7:23-cv-01524-D

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Leukemia

Plaintiffs' Leadership Selections

James Boggess	7:23-cv-00242-BO
Marvin Braxton	7:23-cv-01568-FL
Vivian Connard	7:23-cv-01557-M
Lancee Flee	7:23-cv-01529-BO
Joseph Gleesing	7:23-cv-01486-FL
David Gregory	7:23-cv-01485-FL
Bruce Hill	7:23-cv-00028-M
Terry Roof	7:23-cv-01003-M
William Smith	7:23-cv-01528-BO
Ronald Watts	7:23-cv-00280-BO

Defendant's Selections

Thomas A. Bosco	7:23-cv-00994-FL
Gary James Cooper	7:23-cv-00576-FL
Robert Fiolek	4:23-cv-00062-BO
Mary Holmberg	7:23-cv-01014-FL
*Arthur Lovell	7:23-cv-01502-D
Susan McBrine	7:23-cv-00532-M
*Russell Redhouse	7:23-cv-01322-D
Diane E. Stacy	7:23-cv-01449-FL
Larry Wayne Tucker	7:23-cv-01577-M
*Ralph Yehle	7:23-cv-01427-FL

Non-Hodgkin's Lymphoma

Plaintiffs' Leadership's Selections

Sharon Baker	7:23-cv-00957-BO
Francis Carter	7:23-cv-01565-M
Adam Davis	7:23-cv-01474-FL
Cometto Davis	7:23-cv-00043-BO
Thomas Doup	7:23-cv-00232-M
John Kelly	7:23-cv-00286-FL
Robert Kidd	7:23-cv-01489-FL
Kenneth Means	7:23-cv-01491-D
Rachel Phillips	7:23-cv-01383-D
David Tomilson	7:23-cv-00063-BO

Defendant's Selections

Andrew Bruggemann	7:23-cv-00567-M
*Brian Buckley	7:23-cv-01143-FL
Clark Collins	7:23-cv-01458-BO
Kevin Goss	7:23-cv-00368-FL
Scott Keller	7:23-cv-01501-FL
*Rodger Michael	7:23-cv-01310-BO
*John Mussery	7:23-cv-01158-BO
*Barbara Reeves	7:23-cv-01141-BO
*Robert Rothman	7:23-cv-01422-M
Jose Vidana	7:23-cv-01575-M

Parkinson's Disease

Plaintiffs' Leadership's Selection

Larry Bailey	7:23-cv-01506-M
Peter Ehlenberger	7:23-cv-00195-M
James Harder	7:23-cv-01542-D
Jeffrey Lemon	7:23-cv-01551-BO
Gary McElhiney	7:23-cv-01368-BO
James Nichols	7:23-cv-00894-BO
Edgar Peterson IV	7:23-cv-01576-M
Diane Rothchild	7:23-cv-00858-D
Terrance Shine	7:23-cv-00023-BO
Richard Sparks	7:23-cv-00682-M

Defendant's Selections

Ronald Berube	7:23-cv-00782-M
*Donald Durrett	7:23-cv-01147-FL
*Greg Globus	7:23-cv-01259-D
Bert Gregory	7:23-cv-01384-FL
David Hill	7:23-cv-01511-M
*William Marshall	7:23-cv-01168-M
*David Topper	7:23-cv-01412-M
*Donald Wagner	7:23-cv-01414-M
Robert Welch	7:23-cv-01503-FL
Kent Wilson	7:23-cv-01563-M

Respectfully submitted on December 11, 2023.

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CERTIFICATE OF SERVICE

I hereby certify that on December 11, 2023, a copy of the foregoing document was filed via the Court's ECF system and served on counsel of record through the ECF system.

/s/ Nathan Bu
NATHAN BU