

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

No. 7:23-CV-897

IN RE:	)	
	)	
CAMP LEJEUNE WATER LITIGATION	)	UNITED STATES' MOTION IN LIMINE
	)	TO EXCLUDE EVIDENCE AND ARGUMENT
This Document Relates To:	)	REGARDING NON-TRACK 1 ILLNESSES
	)	
<i>Mousser</i> , No. 7:23-CV-00667	)	

In selecting Track 1 Trial Plaintiffs, Plaintiffs' Leadership Group ("PLG") agreed, and the Court ordered, that Track 1 Trial Plaintiffs would consist only of Plaintiffs alleging that they suffered one or more Track 1 illness¹ allegedly caused by exposure to contaminated water at Camp Lejeune. Aside from the Track 1 illness, the Plaintiffs could only seek damages from any injuries or conditions stemming from a Track 1 illness or its treatment (collectively, "Track 1 Illnesses"). PLG specifically agreed, and the Court ordered, that Track 1 Trial Plaintiffs waived their rights to allege that any illnesses or injuries besides Track 1 Illnesses were caused by exposure to contaminated water at Camp Lejeune.

Mr. Mousser's Track 1 Illnesses consist of upper tract urothelial carcinoma, his urothelial cancer recurrence, and his chronic kidney disease. The United States moves this Court to exclude from Mr. Mousser's trial all evidence and argument that injuries or illnesses other than his Track 1 Illnesses—including mental health issues like depression and adjustment disorder with mixed anxiety and depressed mood; insomnia; erectile dysfunction; severe obstructive sleep apnea; and

¹ The Track 1 Illnesses are kidney cancer, bladder cancer, leukemia, Non-Hodgkins' Lymphoma, and Parkinson's Disease.

diabetes mellitus Type II—were caused by exposure to contaminated water at Camp Lejeune. Mr. Mousser has not amended his short form complaint to allege any of these conditions stem from his Track 1 Illness, nor did he produce expert evidence in support of such a conclusion. Such evidence, then, is irrelevant to his claims that exposure to contaminated water at Camp Lejeune caused his Track 1 Illnesses. Moreover, any probative value of evidence relating to claims that additional conditions or illnesses were caused by exposure to contaminated water at Camp Lejeune is substantially outweighed by the danger of undue delay and wasting time.

Accordingly, the United States moves this Court to exclude causation evidence related to whether a condition that does not fall within the definition of a Track 1 Illness is caused by exposure to water at Camp Lejeune.

Dated: October 19, 2026

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on October 19, 2026, a copy of the foregoing document was served on all counsel of record by operation of the court's electronic filing system and can be accessed through that system.

/s/ Carson M. Garand
CARSON GARAND