IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
No. 7:23-CV-00275-BO-BM

DAVID WILLIAM FANCHER, Plaintiff, v. UNITED STATES OF AMERICA, Defendant.	)	**ORDER**

This matter is before the Court on the parties' joint motion as to trial evidence, filed October 30, 2026. [DE 102]. This matter is set for trial on November 9, 2026.

The parties jointly move the Court to incorporate into the above-captioned action (the "*Fancher* action") certain testimony and exhibits from a related action that was tried before the Court on October 26 through October 28, 2026, namely *Mousser v. United States*, No. 7:23-cv-00667 (the "*Mousser* action"). The parties emphasize the purpose of their motion is to expediate the upcoming trial of the *Fancher* action by avoiding the presentation of repetitive, overlapping evidence from the *Mousser* action.

The Court has examined the parties' arguments and determined the motion's proposed purpose and means are proper pursuant to the Court's authority as provided in Federal Rule of Evidence 611, Federal Rule of Evidence 201, and Federal Rule of Civil Procedure 42. Therefore, the Court GRANTS the parties' motion [DE 102] and ORDERS:

1. All evidence, exhibits and testimony relating to water modeling, general causation, and certain damages issues in the *Mousser* action, including all witness testimony and exhibits through Morris Maslia, Benjamin Hatten, Peter Shields, John Lipscomb, and Jadine Piper

shall be incorporated and adopted fully into the record of the trial in the above-captioned *Fancher* action;

2. at the beginning of the above-captioned *Fancher* action trial, the parties shall propose a full and complete list of the evidence, exhibits, and testimony on water modeling, general causation, and certain damages issues that are to be incorporated from the *Mousser* action; and

3. other than the evidence incorporated from the *Mousser* action, neither party shall offer any witness testimony, live or by deposition, or any exhibit on water modeling, the timing and extent of water contamination at Camp Lejeune, general causation, or the above-mentioned damages issues in the *Fancher* action. This paragraph does not limit evidence on any other issues of individual exposure, specific causation, damages, or offsets that are not included in the list that shall be submitted at the beginning of the above-captioned *Fancher* trial.

SO ORDERED, this 2nd day of November, 2026.

Terrence Boyle

TERRENCE W. BOYLE
UNITED STATES DISTRICT JUDGE