

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

In re:)
)
) Docket No.
) 7:23-cv-897
CAMP LEJEUNE WATER LITIGATION)
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)
)
)
)

WEDNESDAY, JUNE 12, 2024
STATUS CONFERENCE
BEFORE THE HONORABLE ROBERT B. JONES, JR
UNITED STATES MAGISTRATE JUDGE

APPEARANCES:

On Behalf of the Plaintiffs:

J. Edward Bell, III, Leslie LeMachia, Eric Flynn;
Mike Downing; Hugh Overholt; Charles Ellis;

By telephone: Zina Bash, Mona Lisa Wallace,
Elizabeth Cabreser

On Behalf of the Defendant:

Adam Bain, Nathan Bu, Joshua Carpenito, David Ortez,
Michael Cromwell, Sara Mirsky

By telephone: Bridget Bailey

JENNIFER C. CARROLL, RMR, CRR, CRC
Official Court Reporter
United States District Court
Wilmington, North Carolina
Stenotype with computer-aided transcription

1 Wednesday, June 12, 2024, at 11:03 a.m.

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

11:03:52 3 THE COURT: Good morning, everybody.

11:03:54 4 (Attorneys respond.)

11:04:02 5 THE COURT: All right. As has become our
11:04:08 6 practice, right off let me ask Mr. Bell and Mr. Bain:
11:04:19 7 In an effort to tie up any loose ends and gain a better
11:04:25 8 understanding of what is before the Court by way of
11:04:29 9 motion -- I have printed off a motions report on this
11:04:33 10 case, and I would like to know from your position
11:04:42 11 what -- what are the party -- what is ripe -- what
11:04:45 12 motions are ripe and the parties are waiting for a
11:04:48 13 ruling from the Court, as well as what -- what motions
11:04:54 14 can be withdrawn either from -- by virtue of a ruling of
11:05:00 15 the Court that's been made or maybe there's some things
11:05:04 16 the parties have worked out and motions can be withdrawn
11:05:09 17 at this point. Anyone can start.

11:05:14 18 MR. BAIN: Your Honor, we, yesterday, did
11:05:17 19 withdraw United States' motion to amend the Track 1
11:05:21 20 order to prioritize trials of Track 1 single-disease
11:05:25 21 plaintiffs. That's docket entry 167.

11:05:27 22 THE COURT: Uh-huh.

11:05:29 23 MR. BAIN: I believe the plaintiffs are
11:05:30 24 going to withdraw some of their motions to expedite
11:05:34 25 trial. I'll let Mr. Bell address that.

11:05:37 1 There was the motion for reconsideration
11:05:39 2 regarding the motion to compel on the ATSDR water
11:05:44 3 model --

11:05:44 4 THE COURT: That's docket entry 194?

11:05:46 5 MR. BAIN: Yes. And I thought that we had
11:05:48 6 resolved that at the last hearing, but I believe it's
11:05:50 7 still pending and I thought plaintiffs were going to
11:05:53 8 withdraw that motion. But I don't think that's happened
11:05:55 9 yet.

11:05:56 10 THE COURT: Okay. Mr. Bell.

11:05:59 11 MR. BELL: Yes, Your Honor. The -- we would
11:06:02 12 appreciate the Court entering a minute order on the
11:06:07 13 three motions to expedite.

11:06:09 14 THE COURT: That's in 7:23-cv-1576, 1368,
11:06:15 15 and 1364; is that right?

11:06:17 16 MR. BELL: I don't have the names and
11:06:18 17 numbers, but that sounds right, Your Honor.

11:06:20 18 MR. DOWLING: I believe it's McElhiney,
11:06:22 19 Dunning, and Peterson are the three plaintiffs. Sorry,
11:06:29 20 I don't have the case number, Your Honor.

11:06:31 21 THE COURT: Okay.

11:06:35 22 MR. DOWLING: I don't believe they would
11:06:36 23 have been filed on the master docket.

11:06:38 24 THE COURT: No, they weren't on the motions
11:06:40 25 report.

11:06:40 1 MR. BELL: Do you need us to file a
11:06:42 2 separate --
11:06:42 3 THE COURT: No. I'll take a look at those.
11:06:42 4 MR. BELL: All right.
11:06:43 5 THE COURT: Okay. And then what about -- I
11:06:48 6 believe the --
11:06:49 7 MR. BELL: Your Honor, the water modeling
11:06:51 8 issue --
11:06:52 9 THE COURT: Right.
11:06:52 10 MR. BELL: -- there are two segments that
11:06:54 11 are going on. The water modeling, we agree to that
11:06:58 12 portion is -- has been completed properly. There is
11:07:02 13 another production coming that completes the second
11:07:06 14 part, which I was told yesterday will be completed by
11:07:09 15 next week. So we'll just hold that open, if it's okay,
11:07:12 16 until that's done.
11:07:13 17 And there's one issue left, Your Honor, I
11:07:16 18 think we've -- can resolve -- we will resolve it. But
11:07:20 19 the -- you may recall there was an objection by the
11:07:23 20 Government of producing the state cancer registries.
11:07:29 21 And so we are in consultation -- I don't think there's
11:07:33 22 any problem. But we're in consultation, that we can
11:07:37 23 give the Government our data we need searched, and we're
11:07:41 24 working out the process for that. So that will not be
11:07:43 25 part of the motion to compel. But the -- when the

11:07:46 1 production is done, we can have two weeks, we'll be able
11:07:50 2 to withdraw that motion.

11:07:50 3 THE COURT: Which motion is that related to?

11:07:52 4 MR. BELL: The water modeling.

11:07:53 5 THE COURT: Is that all under the water
11:07:55 6 modeling?

11:07:55 7 MR. BELL: I think so, Your Honor.

11:07:58 8 MS. MIRSKY: Your Honor, the water modeling
11:07:59 9 issue has been completed, as Mr. Bell referenced. The
11:08:04 10 health effects studies is a separate set of data and
11:08:08 11 documents and is -- we would argue is not subject to the
11:08:11 12 pending motion and would not stand in the way of that
11:08:15 13 motion being withdrawn.

11:08:17 14 MR. BELL: If that's the case, Your Honor,
11:08:18 15 then I have no objection to the Court entering an order
11:08:22 16 resolving that motion as moot, as long as there's no
11:08:25 17 question. The second production will be if we need to
11:08:28 18 have a separate motion.

11:08:30 19 MS. MIRSKY: We understand there will be
11:08:32 20 ongoing discussions regarding the health effects studies
11:08:34 21 and any issue can be brought to the Court's attention,
11:08:38 22 if necessary, at that time.

11:08:39 23 THE COURT: All right. So tell me what to
11:08:40 24 do about docket entry 194.

11:08:42 25 MR. BELL: It can be withdrawn, Your Honor.

11:08:43 1 THE COURT: Okay. Done.

11:08:45 2 And then what about 192, the muster rolls
11:08:49 3 motion?

11:08:50 4 MR. BELL: I think the muster rolls motion
11:08:52 5 can be withdrawn, Your Honor. We've entered into a --
11:08:57 6 kind of an understanding of -- I wouldn't necessarily
11:09:00 7 call it an agreement. But now that we will have,
11:09:02 8 shortly, 25 plaintiffs that will be designated, we've
11:09:06 9 asked the Government to assist us in finding these
11:09:10 10 specific muster rolls for those 25 plaintiffs. They've
11:09:13 11 indicated they will do the best they can to help us with
11:09:15 12 that.

11:09:15 13 THE COURT: Is that right, Mr. Bain?

11:09:17 14 MS. MIRSKY: Your Honor, yes, that is
11:09:19 15 correct. We have agreed to assist plaintiffs with
11:09:22 16 working with NARA to obtain any muster roll documents
11:09:26 17 for the 25 plaintiffs that are necessary for their
11:09:29 18 records.

11:09:29 19 THE COURT: But 192 is your motion; right,
11:09:32 20 Mr. Bell?

11:09:32 21 MR. BELL: Yes, Your Honor.

11:09:32 22 THE COURT: Okay. That's withdrawn.

11:09:33 23 MR. BELL: Yes, Your Honor.

11:09:34 24 THE COURT: Okay. What about the -- what
11:09:38 25 about 81, the motion to compel document production to

11:09:47 1 the first RFP?

11:09:55 2 (Mr. Bain and Mr. Bell confer.)

11:09:58 3 MR. BAIN: I believe that's been resolved
11:10:00 4 already, Your Honor.

11:10:01 5 THE COURT: OKAY. The sense I get is that
11:10:02 6 these were the larger motions that were filed initially
11:10:05 7 and then the parties, sort of, resolved singular issues
11:10:09 8 out of those.

11:10:10 9 MR. BAIN: That's right. I believe that was
11:10:11 10 the motion to compel. And then we filed a motion for
11:10:15 11 protective order in response, and then we had some
11:10:17 12 discussions following that. I think we've resolved
11:10:20 13 that.

11:10:20 14 THE COURT: Okay.

11:10:21 15 MR. BELL: As far as we know, Your Honor,
11:10:22 16 we -- obviously, if something comes up, we'll
11:10:26 17 meet-and-confer with the Government. But that can be
11:10:28 18 withdrawn as well.

11:10:29 19 THE COURT: All right. So 81 is withdrawn.
11:10:31 20 How about -- this may be related. 93 is a
11:10:34 21 cross-motion regarding response in opposition to the
11:10:37 22 motion to compel.

11:10:37 23 MR. BELL: Withdrawn.

11:10:38 24 MR. BAIN: Yeah, I believe that's the motion
11:10:40 25 for protective order. We can withdraw that.

11:10:50 1 THE COURT: Okay. So 81 is withdrawn. 93
11:10:52 2 is withdrawn. 192 is withdrawn. 194 is withdrawn.
11:10:59 3 What's -- what about 169, the motion to
11:11:02 4 reconsider regarding order on motion to amend or correct
11:11:05 5 with respect to opt-out provision? Is that still live?
11:11:08 6 MR. BAIN: That's still pending and it's
11:11:09 7 ripe, and it mainly relates to Track 2 and Track 3.
11:11:14 8 THE COURT: Okay. And then 184, motion for
11:11:17 9 partial summary judgment as to plaintiffs Key, Bassno,
11:11:22 10 Miller, and Armstrong.
11:11:24 11 MR. BELL: I think that was ruled on.
11:11:27 12 MR. BAIN: I believe that's fully briefed
11:11:30 13 and ripe.
11:11:31 14 MR. BELL: It's ripe for resolution.
11:11:33 15 THE COURT: Okay. Are there any other
11:11:39 16 motions that are ripe and you're waiting on the Court to
11:11:47 17 rule on?
11:11:47 18 MR. BELL: Your Honor, the two that I would
11:11:49 19 like to -- well, two that I would like to talk about is
11:11:55 20 we would encourage the Court to consider our Rule 16
11:12:01 21 request. And it's particularly relevant now, Your
11:12:04 22 Honor, that -- and the order issued this week setting
11:12:08 23 the trial plaintiff designations. There is a paragraph
11:12:17 24 that indicates on page 2: It is further ordered that
11:12:23 25 upon entry of the trial order, the parties shall confer

11:12:26 1 with the Court to confirm the status of the expert
11:12:30 2 discovery period of each Track 1 trial plaintiff.

11:12:32 3 The idea about that language that was
11:12:35 4 proposed by both parties, Your Honor, is if we could
11:12:39 5 figure out an order in which these plaintiffs would be
11:12:43 6 tried, then we could stagger our expert discovery based
11:12:50 7 on the ones that are getting tried first.

11:12:53 8 THE COURT: Okay.

11:12:54 9 MR. BAIN: Yes, Your Honor. I think that
11:12:55 10 once the plaintiffs are selected over the next two
11:12:58 11 weeks, that we'll be in a position where we can either
11:13:02 12 discuss with the Court or bring to the Court a proposal
11:13:06 13 for setting those cases up to proceed through expert
11:13:11 14 discovery.

11:13:11 15 THE COURT: I did want to bring this up
11:13:14 16 today. In light of -- in light of the -- that order at
11:13:21 17 232 on 6/10 and their recent discovery order, how do the
11:13:26 18 parties see this case over the next 90 days going
11:13:31 19 forward? What's happening in the next 90, 120 days?

11:13:35 20 MR. BELL: Well, the 75 remaining
11:13:37 21 plaintiff's cases will be stayed. And so hopefully,
11:13:41 22 unless there's some reason, maybe someone's sick or
11:13:44 23 something, that the depositions be taken. But other
11:13:47 24 than that, it would be -- most of that would be stayed.

11:13:52 25 So, for example, Your Honor, if we knew

11:13:53 1 which judge was going to try which case first and
11:13:57 2 second, then we can stagger our discovery to concentrate
11:14:01 3 on the first cases coming up for trial.

11:14:03 4 THE COURT: But you'll have, what?
11:14:05 5 Twenty-five?

11:14:06 6 MR. BELL: Yes, Your Honor.

11:14:06 7 MR. BAIN: We have 25 that we'll select.
11:14:08 8 And then once the selections are final, we'll have 45
11:14:11 9 days to complete fact discovery.

11:14:13 10 THE COURT: So what is remaining, in fact --
11:14:15 11 you've taken all of the plaintiffs depositions, right?

11:14:18 12 MR. BAIN: We have. There may be a few fact
11:14:21 13 or treating physician depositions of the 25 selected
11:14:23 14 that we may want to complete.

11:14:25 15 THE COURT: Right.

11:14:25 16 MR. BAIN: There's also a number of
11:14:27 17 general --

11:14:28 18 THE COURT: But you're baking that into your
11:14:29 19 analysis, right?

11:14:30 20 MR. BAIN: Into the 45 days, yes.

11:14:31 21 THE COURT: Into how you're choosing the
11:14:34 22 cases, right?

11:14:34 23 MR. BAIN: Yeah, that's -- to some extent,
11:14:36 24 that's being, you know, how much discovery already have
11:14:39 25 and do we need anymore. That's one of the factors that

11:14:41 1 go into the choices. But there are also a lot of
11:14:46 2 depositions that the plaintiffs have requested of
11:14:48 3 Government witnesses that we need to get scheduled and
11:14:53 4 get taken, including the one that Your Honor ordered
11:14:55 5 yesterday for Dr. Portier. So that 45 days will give
11:14:58 6 the parties time to complete both the depositions -- and
11:15:02 7 there's also some outstanding fact discovery on both
11:15:04 8 sides. There is some that the plaintiffs have issued to
11:15:08 9 us. There was a meet-and-confer yesterday about how to
11:15:12 10 respond to those. We have also issued some discovery to
11:15:16 11 the plaintiffs on damages, and we have agreed to revisit
11:15:19 12 that or discuss it further once the 25 are selected.

11:15:23 13 THE COURT: Because that's been whittled
11:15:26 14 down by the focusing on the 25, right?

11:15:28 15 MR. BELL: Yes, Your Honor.

11:15:30 16 MR. BAIN: Right. And the plaintiffs have,
11:15:30 17 I think, agreed in principle that what we've asked for,
11:15:33 18 we're entitled to, with respect to damages. So we just
11:15:36 19 need to get those 25 and then meet with the plaintiffs
11:15:39 20 again and see how we can move forward on that.

11:15:41 21 THE COURT: All right. So generally, within
11:15:42 22 the next 45 days, you're wrapping up fact discovery.
11:15:45 23 What is -- and the next phase will be expert; correct?

11:15:48 24 MR. BELL: That's right.

11:15:49 25 MR. BAIN: Yes.

11:15:49 1 THE COURT: And what does that look like?

11:15:51 2 MR. BELL: It's fairly quick. We're going
11:15:53 3 to have some -- that's why we're thinking if we could
11:15:56 4 get the Court to give us a staggered approach. Because
11:16:00 5 a lot of these experts are professors. We're going to
11:16:03 6 be hitting August soon, which is --

11:16:04 7 THE COURT: Their schedules.

11:16:05 8 MR. BELL: Scheduling is going to be
11:16:07 9 problematic.

11:16:08 10 So if we don't have to do all 25 at once and
11:16:11 11 know we can stagger it. Some of the general causation
11:16:14 12 experts, Your Honor, would apply to five or ten of the
11:16:18 13 cases, if you will, for the cancer cases. So -- but
11:16:23 14 cases like your blood cancer cases, have ten of those.
11:16:28 15 So some of those experts would work with all of them.
11:16:31 16 But it depends, again, on how the Court schedules them.

11:16:37 17 THE COURT: When are the plaintiffs'
11:16:39 18 selections due?

11:16:41 19 MR. BELL: I'm sorry, Your Honor?

11:16:42 20 THE COURT: The -- let's say it's three
11:16:47 21 times five. So when are your 15 plaintiffs due?

11:16:51 22 MR. BELL: Ours are due -- our first
11:16:53 23 selection is due this Saturday. I think the Government
11:16:56 24 has a short period after that. We have a short period
11:17:00 25 after that to determine if any of those people are not

11:17:03 1 going to waive any secondary disease. We've got to give
11:17:06 2 notice to the Government if they won't.

11:17:09 3 THE COURT: How much time do you think it
11:17:10 4 will take for that?

11:17:11 5 MR. BELL: A couple of days. We're pretty
11:17:13 6 much in touch with people. But we didn't want to have
11:17:15 7 to call one hundred of them to ask them.

11:17:18 8 THE COURT: Right.

11:17:18 9 MR. BELL: And then they will re-pick if
11:17:20 10 they need to, and then we are ready.

11:17:22 11 THE COURT: Okay.

11:17:24 12 MR. BELL: So we're looking at probably two
11:17:27 13 weeks, maybe.

11:17:31 14 THE COURT: Okay. Stipulations. Status of
11:17:34 15 stipulations.

11:17:35 16 MR. BELL: The parties are working
11:17:36 17 diligently on them.

11:17:37 18 THE COURT: You've got a meeting after this,
11:17:39 19 right?

11:17:39 20 MR. BELL: We do. And Mr. Dowling is taking
11:17:43 21 charge of the stipulations and has been working with the
11:17:45 22 Government and moving forward on it. As we get closer
11:17:49 23 to trial, we kind of -- now we start figuring out what
11:17:53 24 we need stipulations on. So it's a process that's kind
11:17:56 25 of gearing up now.

11:17:57 1 THE COURT: Generally, what are the nature
11:17:59 2 of those at this point?

11:18:01 3 MR. BELL: Do you mind if Mr. Dowling.

11:18:03 4 MR. DOWLING: Yeah. I think my counterpart,
11:18:05 5 Mr. Bu, is -- he's going to be negotiating with me, to a
11:18:09 6 large extent, on this.

11:18:10 7 I think what the parties envision --
11:18:12 8 subject, obviously, to the Court's acceptance -- is that
11:18:14 9 there would be a global set of stipulations that
11:18:17 10 hopefully we can reach as to very foundational facts.
11:18:23 11 You know, "Camp Lejeune was established on these dates."
11:18:26 12 "This is how a water distribution system generally
11:18:28 13 works." Things that we think are in the heartland of
11:18:32 14 acceptable and agreed-upon facts that we would then
11:18:35 15 present to the Court for its consideration. That would
11:18:38 16 be filed in the master docket once it's accepted and
11:18:41 17 then likely incorporated by reference into the pretrial
11:18:45 18 order of the individual trial plaintiffs' cases. And
11:18:49 19 then each pretrial order would then, obviously, have
11:18:52 20 additional stipulations beyond those.

11:18:55 21 So we're going to try our best, I believe,
11:18:57 22 in good faith to get as many broad stipulations about
11:19:02 23 those background foundational facts.

11:19:04 24 THE COURT: And not limited to just the
11:19:06 25 Track 1 plaintiffs?

11:19:09 1 MR. DOWLING: Yeah, I think -- the goal is
11:19:12 2 to have it cascade down into all of the cases.

11:19:15 3 THE COURT: Is the -- is the location of the
11:19:22 4 water at Camp Lejeune at a particular time, is that --
11:19:26 5 is that something, generally, the parties could agree
11:19:30 6 to?

11:19:32 7 MR. DOWLING: I hope we could agree to lots
11:19:34 8 of things, Your Honor. I don't know, candidly, where
11:19:37 9 we're going to get on that. We -- we certainly think it
11:19:44 10 would streamline things and we're acutely aware that the
11:19:47 11 more we can agree to on the front end, the more
11:19:50 12 efficient this is and the quicker we can get
11:19:54 13 resolutions.

11:19:54 14 THE COURT: Does the Government have
11:19:56 15 anything to say?

11:19:56 16 MR. BU: I agree with what Mr. Dowling
11:19:58 17 represented.

11:20:00 18 THE COURT: Okay. Status of discovery. I
11:20:05 19 didn't glean any brewing discovery disputes from the
11:20:10 20 status report other than maybe the economic information
11:20:14 21 you wanted. But it sounds like that that's been
11:20:16 22 resolved somewhat or made a little narrower from the
11:20:22 23 recent court order. What's the status on discovery
11:20:25 24 disputes?

11:20:27 25 MR. BELL: Your Honor, it's going

11:20:30 1 surprisingly well, actually. It's -- as you know, we
11:20:34 2 meet every Friday with those that are involved in
11:20:37 3 discovery. Plaintiffs' Leadership Group has established
11:20:40 4 a group of lawyers that are concentrating on the
11:20:44 5 treating doctors and a group of lawyers that are doing
11:20:48 6 the fact discovery. The plaintiffs have almost been
11:20:51 7 completed, maybe one or two. But generally, they --
11:20:54 8 everybody meets on Friday. We discuss who we want to
11:20:58 9 depose and that gets into the mix, and it's doing well.

11:21:01 10 THE COURT: Mr. Bain or Government.

11:21:04 11 MS. MIRSKY: Yes. Those conversations are
11:21:06 12 ongoing. As was referenced earlier, Your Honor, the
11:21:09 13 parties held a meet-and-confer yesterday to discuss some
11:21:14 14 recent discovery that was requested by the plaintiffs.
11:21:16 15 And we're hoping that we can work through that to define
11:21:20 16 resolution on that amongst ourselves.

11:21:22 17 THE COURT: Okay. The ADR and settlement
11:21:33 18 master process, I know the Court is going to be involved
11:21:38 19 in that very shortly. Is -- but at this point, is there
11:21:41 20 anything that the Court should know before that
11:21:44 21 interview process commences?

11:21:50 22 MR. BAIN: Your Honor, we're having a
11:21:52 23 meeting at the end of the month with the Plaintiffs'
11:21:55 24 Resolution Committee and Department of Justice,
11:21:57 25 including some of the Department of Justice leaders, to

11:22:01 1 talk about approaches to that.

11:22:03 2 THE COURT: Mr. Bell, anything?

11:22:07 3 MR. BELL: We appreciate the Court letting
11:22:09 4 us know that it's getting started, Your Honor. We think
11:22:11 5 that having someone to sit with us may be helpful, and
11:22:17 6 the sooner the better. I don't think we would have
11:22:23 7 anything to suggest to the Court other than getting that
11:22:26 8 done.

11:22:26 9 THE COURT: All right. I think in the -- in
11:22:38 10 a status report from April the 24th there was a
11:22:44 11 statement from the Government as follows: It was the
11:22:48 12 United States, not the PLG, that first initiated the
11:22:52 13 vision for the global settlement of this litigation by
11:22:54 14 pointing plaintiffs' counsel to the approach Judge
11:22:58 15 Hellerstein used in the World Trade Center litigation,
11:23:01 16 including providing the law review articles discussing
11:23:05 17 that approach to various groups of plaintiff lawyers,
11:23:08 18 including current PLG attorneys, before any plaintiff
11:23:12 19 leadership group was tested. Could you identify those
11:23:17 20 law review articles?

11:23:20 21 MR. BAIN: I don't have the cites right here
11:23:22 22 with me. There are two.

11:23:23 23 THE COURT: I realize I put you on the spot
11:23:24 24 with that.

11:23:24 25 MR. BAIN: Yeah, one is -- that's okay. One

11:23:26 1 is in the *Cornell Law Review*. And I can easily provide
11:23:30 2 that to your law clerk and copy plaintiffs' counsel, if
11:23:33 3 you would like.

11:23:33 4 THE COURT: That would be -- that would be
11:23:35 5 great. Thank you.

11:23:36 6 Okay. This is the part of the status
11:23:43 7 conference where we learn of everyone else's travel
11:23:46 8 schedules this summer.

11:23:49 9 MR. BELL: Sorry about that, Judge.

11:23:51 10 THE COURT: That's okay. You're not alone.
11:23:52 11 You're not alone.

11:23:54 12 MR. BELL: Glad to hear that.

11:23:54 13 THE COURT: You're not alone.

11:23:58 14 Today is the 12th of June. Two weeks would
11:24:04 15 put us in the week of the 24th of June. When would the
11:24:09 16 parties like to meet next?

11:24:16 17 MR. BAIN: Your Honor, the only week that we
11:24:18 18 really have an issue with is the week of July 8th. That
11:24:22 19 whole week is difficult for us.

11:24:23 20 THE COURT: July 8th.

11:24:25 21 MR. BAIN: But either the week that you just
11:24:28 22 mentioned or the week that ends with July 4th holiday
11:24:34 23 will be acceptable.

11:24:40 24 THE COURT: Mr. Bell, when do you think a
11:24:42 25 good time would be to meet, you know, providing the

11:24:50 1 parties with sufficient time to get stuff done so we can
11:24:52 2 have a meaningful conference? I'm not saying these are
11:24:56 3 not meaningful, but...

11:24:58 4 MR. BELL: Judge, I'm trying to locate my
11:24:59 5 phone here. Just a second.

11:25:36 6 (Pause.)

11:25:36 7 MR. BELL: Judge, I would suggest that maybe
11:25:38 8 we think about the next status conference as being timed
11:25:42 9 after we select our bellwether plaintiffs, which will be
11:25:49 10 minimum 15, 16 days. And secondly, I don't know whether
11:25:54 11 the Court has any hints about when, possibly, the Court
11:25:59 12 would like to talk to us about scheduling of these
11:26:02 13 cases, and maybe that could be kind of timed together.
11:26:09 14 The sooner we get that scheduling from the Court is
11:26:12 15 going to be helpful.

11:26:13 16 THE COURT: Did you say the week of the 1st,
11:26:16 17 Mr. Bain, was...

11:26:18 18 MR. BAIN: That's -- we could do it the week
11:26:20 19 of the 1st, such as July 2nd. It's the next week that
11:26:24 20 is hard for us.

11:26:25 21 THE COURT: Right.

11:26:31 22 MR. BELL: I may be the only person in here,
11:26:33 23 Your Honor, that has twins who have their birthday on
11:26:35 24 July the 4th. Maybe we could think about another -- not
11:26:43 25 good that week. Is there a possibility before the week

11:26:46 1 of July 1st? Maybe the end of June -- well, we're at
11:26:52 2 June 26th now. July -- the week of the -- maybe 22nd?

11:27:01 3 THE COURT: The week of the 24th of June?
11:27:06 4 Is that too early? That Tuesday is the 25th. Is
11:27:12 5 that -- do either parties think that's too early?

11:27:17 6 MR. BAIN: I think if we do it toward the
11:27:20 7 end of that week, I think we should have the selections
11:27:23 8 done by then. I don't know if Your Honor is available.

11:27:25 9 MR. BELL: 27th or 28th?

11:27:27 10 THE COURT: 27th. I may have a college tour
11:27:30 11 scheduled on the 28th. Can we do the 27th, that
11:27:35 12 Thursday?

11:27:35 13 MR. BELL: Either that or the 26th, Your
11:27:37 14 Honor. Either one.

11:27:42 15 MR. BAIN: Either of those would work, the
11:27:44 16 26th or 27th.

11:27:45 17 THE COURT: Mr. Bell, how about the 27th?

11:27:47 18 MR. BELL: Yes, Your Honor.

11:27:48 19 THE COURT: We'll set it for the 27th.

11:27:50 20 Okay. Is there anything else the parties
11:27:52 21 would like to discuss with the Court?

11:27:55 22 MR. BELL: Nothing Your Honor.

11:27:56 23 MR. BAIN: Nothing.

11:27:58 24 THE COURT: Thank you very much.

11:28:10 25 (The proceedings concluded at 11:28 a.m.)

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2 UNITED STATES DISTRICT COURT
3 EASTERN DISTRICT OF NORTH CAROLINA
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6 CERTIFICATE OF OFFICIAL REPORTER
7

8 I, Jennifer C. Carroll, RMR, CRR, CRC,
9 Federal Official Court Reporter, in and for the United
10 States District Court for the Eastern District of North
11 Carolina, do hereby certify that pursuant to Section
12 753, Title 28, United States Code, that the foregoing is
13 a true and correct transcript of the stenographically
14 reported proceedings held in the above-entitled matter
15 and that the transcript page format is in conformance
16 with the regulations of the Judicial Conference of the
17 United States.

18
19
20 Dated this 13th day of June, 2024.

21 

22
23 /s/ Jennifer C. Carroll
24 Jennifer C. Carroll, RMR, CRR, CRC
25 U.S. Official Court Reporter