

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

IN RE:	)	PLAINTIFF LEADERSHIP
CAMP LEJEUNE WATER LITIGATION	)	GROUP'S OPPOSITION TO
	)	UNITED STATES' MOTION FOR
This Pleading Relates to:	)	LEAVE TO FILE A RESPONSE TO
	)	PLAINTIFFS' LEADERSHIP
ALL CASES	)	GROUP'S NOTICE OF PROPOSED
	)	ORDER RE: ORDER 886 AND
	)	ACCOMPANYING EXHIBITS
	)	[D.E. 900]
	)	

The Plaintiffs' Leadership Group ("PLG") understands that the Court has ordered the parties to prioritize resolution efforts over the next several months. *See* [D.E. 893]. Even before this Order, the PLG took the position that the parties should not relitigate *Daubert* in responding to Order 886 and instead DOJ should merely list the names of experts that it believes are subject to that Order, the PLG would state its position that each of those experts followed Rule 702, and leave for a later date, if the Court so requested, briefing regarding those experts' methodology. But DOJ did not agree and instead submitted a proposed order that contains argument and out of context citations from many PLG experts, necessitating the PLG's substantive response. Consistent with the Court's recent admonition and as set forth in their responsive filing to Order 886, the PLG opposes Defendant's request for further *Daubert* briefing.

The deadline for briefing on *Daubert* motions to exclude Track 1 general causation experts passed in December 2025. Defendant filed hundreds of pages of arguments across dozens of motions to exclude the PLG's experts. Among those dozens of motions included Defendant's motions related to the Camp Lejeune Justice Act's burden of proof and the Bradford Hill methodology. *See* [D.E. 539, 547, 554, 583, 610]. In other words, the Defendant took maximal

advantage of the opportunity to thoroughly brief the issues on which it now seeks to file additional briefing.

On June 5, 2026, this Court denied the Defendant's motion to exclude expert testimony related to the CLJA's burden of proof without prejudice, and ordered the parties to file "a joint proposed order that identifies expert opinions to which this order applies, for consideration by Chief Judge Myers, Judge Boyle, and Judge Dever individually." [D.E. 886] ("Order 886") at 19-20. The PLG proffered a proposed order to Defendant that did just that, identifying expert opinions the parties believed were subject to Order 886 *without* argument, which Order 886 did not request or permit. *See* [D.E. 891-1] (Ex. A - PLG's proposed order). Defendant rejected this proffer and insisted on filing what it described as a proposed order, but which in fact was further briefing on its denied motion to exclude, including argument and out-of-context quotations. *See* [D.E. 890-3] (Ex. C - Defendant's proposed order). Because of that insistence, the PLG filed Exhibit B to its Notice of Filing on the same day, to provide full context for the arguments and quotations included in Defendant's so-called proposed order.

Given the long-passed deadline to submit arguments for exclusion of Track 1 general causation experts, the fact that Order 886 did not permit further argument, the parties' same-day filings presenting their positions on the applicability of Order 886, and the need for the parties to dedicate their time over the next several months towards potential resolution, there is no basis for further briefing, unless called for by a particular judge considering the admission of expert opinions in the context of a particular trial if resolution efforts fail.

For these reasons, Defendant's motion for leave to file further briefing in response to Order 886 should be denied. If Defendant is permitted to file further briefing and yet again submits new arguments or quotations, the PLG may also need to seek leave to file a short reply regarding only

such new arguments or quotations. However, the PLG respectfully requests that the Court deny any further briefing on this issue so that the parties may focus their time and efforts on global resolution per this Court's June 30, 2026 Order.

Dated: July 2, 2026.

Respectfully submitted,

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