

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) **ORDER REGARDING TRACK 1 TRIAL**
) **PLAINTIFF SELECTION PROTOCOL**
This Document Relates To:) **(CASE MANAGEMENT ORDER NO. 12)**
ALL CASES)
)
)

This matter is before the court on Plaintiffs’ Leadership Group (“PLG”) and the United States of America’s (“Defendant,” and with the PLG, “Parties”) joint motion for entry of Case Management Order – Track 1 Trial Plaintiff selection protocol (“Motion”). For good cause shown, the Motion is GRANTED. Accordingly, it is so:

ORDERED that the Parties select Track 1 Trial Plaintiffs from among Track 1 Discovery Pool Plaintiffs who will be alleging that only one Track 1 Illness (or multiple Track 1 Illnesses)—kidney cancer, bladder cancer, leukemia, Non-Hodgkin’s Lymphoma, or Parkinson’s Disease—was (were) caused by the water on Camp Lejeune, along with other injuries or conditions stemming from a Track 1 Illness or its treatment (“Trial Plaintiff Pool”). See [D.E. 130] (order setting Track 1 Discovery Pool Plaintiffs). The Track 1 Trial Plaintiffs will be waiving their rights to allege that any other illnesses or injuries besides Track 1 Illnesses (and those injuries or conditions stemming from a Track 1 Illness or its treatment) were caused by the water at Camp Lejeune.

IT IS FURTHER ORDERED that within five days of the entry of this Order but no sooner than June 15, 2024, the PLG shall propose to the court three plaintiffs from the Trial Plaintiff Pool for each of the five Track 1 Illnesses to proceed to trial. See [D.E. 130].

IT IS FURTHER ORDERED that within five days of the PLG’s submission, Defendant shall submit to the PLG two plaintiffs from among the Trial Plaintiff Pool for each of the five

Track 1 Illnesses to proceed to trial. The PLG will have five days to obtain any necessary waivers of claims from said individuals. If the PLG cannot secure a waiver for any of Defendant's selected plaintiffs, Defendant shall be entitled, at its option, to select a new plaintiff until a plaintiff who agrees to any necessary waivers is selected, at which time Defendant shall propose those plaintiffs to the court to proceed to trial. The plaintiffs so selected by the Parties and confirmed by the court are designated "Track 1 Trial Plaintiffs."

IT IS FURTHER ORDERED that fact discovery for the Track 1 Trial Plaintiffs, including general discovery, shall conclude 45 days after the PLG obtains the necessary waivers for every selected Track 1 Trial Plaintiff.

IT IS FURTHER ORDERED that the expert discovery deadlines set forth in Case Management Order 2 ("CMO 2") and the Track 1 Order be stayed for the Track 1 Trial Plaintiffs pending entry of an order establishing the order in which the Track 1 Trial Plaintiff trials will proceed (the "Trial Order"). See [D.E. 23] 10, XI.A.iv; [D.E. 130] 3-4.

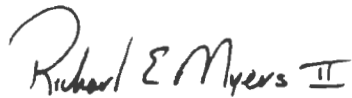
IT IS FURTHER ORDERED that upon entry of the Trial Order the Parties shall confer with the court to confirm the start of the expert discovery period for each Track 1 Trial Plaintiff.

IT IS FURTHER ORDERED that the PLG shall disclose expert witnesses for each Track 1 Trial Plaintiff, pursuant to Fed. R. Civ. P. 26(a)(2), within 45 days from the date expert discovery commences for that Track 1 Trial Plaintiff, as ordered by the Court. Within 45 days of that disclosure, Defendant shall disclose its expert witnesses pursuant to Fed. R. Civ. P. 26(a)(2). And within 30 days of Defendant's disclosure, the PLG will disclose their rebuttal witnesses pursuant to Fed. R. Civ. P. 26(a)(2). Within 60 days of Defendant's disclosure of its expert witnesses, expert discovery will close. Pursuant to CMO 2 and the Track 1 Order, at the appropriate time, the court and the Parties shall discuss the pretrial schedule for submission of dispositive motions

and for any other pretrial motion or other matters regarding the Track 1 Trial Plaintiffs. *See* [D.E. 23]; [D.E. 130]. Deposition limits set forth in CMO 2 remain in effect. *See* [D.E. 23] 10, XI.A.iv.d.

IT IS FURTHER ORDERED that discovery and all deadlines for Track 1 Discovery Pool Plaintiffs not selected as one of the Track 1 Trial Plaintiffs will be stayed upon the court's entry of the Trial Order confirming the 25 Track 1 Trial Plaintiffs. *See* [D.E. 130].

SO ORDERED. This 10 day of June, 2024.



RICHARD E. MYERS II
Chief United States District Judge



TERRENCE W. BOYLE
United States District Judge



LOUISE W. FLANAGAN
United States District Judge



JAMES C. DEVER III
United States District Judge