

CAMP LEJEUNE PLAINTIFFS' LEADERSHIP COUNSEL

REPORT ON THE STATUS OF THE CAMP LEJEUNE WATER LITIGATION OCTOBER 21, 2025

Below is the October 21, 2025, report on the status of the Camp Lejeune Water Litigation from Plaintiffs' Leadership Counsel:

Dear Counsel and Pro Se Plaintiffs:

The Court conducted a status hearing on Monday, October 20, 2025, attended by Plaintiffs' Leadership Group ("PLG") and DOJ counsel. The Honorable Magistrate Judge Robert Jones presided. The Court made inquiries of the parties and heard updates from the parties including:

1) Evidentiary Hearing in Phase 1

- The Court asked the parties' respective positions regarding whether or not an evidentiary hearing is necessary for the Court to decide Phase 1 (water contamination). PLG indicated its position is that an evidentiary hearing is not necessary and requested the Court to rule on Phase 1 issues based upon the extensive briefing and evidence already submitted to the Court by both parties. PLG urged the Court to adopt the water modeling study by the ATSDR, pointing out that it is the largest and most extensive epidemiological study in US history. It also forms the basis for the Camp Lejeune Justice Act.*
- DOJ argued that the briefing and evidence submitted thus far alone will not determine relevant levels of water contamination at Camp Lejeune, and that the Court should determine whether the ATSDR water modeling levels sufficiently demonstrate reliable levels of water contamination at Camp Lejeune, and further that the Court needs to listen to the testimony of the water modeling experts to determine whether the opinions they express are reliable and accurate.*
- The Court specifically asked whether or not the ATSDR water modeling will determine where the contaminated water was located on Camp Lejeune, what toxins were in the contaminated water, and when. PLG responded that all of those questions can be answered from the extensive briefing and evidence that has already been submitted to the Court. DOJ indicated that it does not believe that the Court can make these determinations without determining the reliability and accuracy of the opinions of the water modeling experts, and that the Court also must determine what levels of the contaminants were at Camp Lejeune, which requires an evidentiary hearing.*

2) Determination of General and Specific Causation Issues.

- The Court asked the parties' respective positions regarding whether or not the judges assigned to the individual cases need to wait for all general causation issues to be decided before scheduling trials. PLG responded no, indicating that the PLG proposal set forth in the Joint Status Report provides that the water modeling issues and the motions pertaining to the application of the standard of proof should be decided first by all four judges as threshold issues, but Daubert motions relating to general and specific causation should be determined by the specific judges assigned to each Track 1 disease and are better reserved for a determination at trial.*
- PLG explained that one of DOJ's motions seeks to exclude testimony from experts who render opinions based on the equipoise standard, and the DOJ's position is inconsistent with the specific language in the Camp Lejeune Justice Act. The PLG also has a motion relating to this issue. DOJ argued that it is inappropriate for experts to render opinions applying the equipoise standard, as this is not the function of experts, but the Court. DOJ agreed that this issue is one that should be decided first.*
- PLG suggested that in an effort to expedite the Track 1 process, the Court allow each party to submit an 8-10 page proposal as to how the Track 1 cases should be moved along more expediently.*
- DOJ offered to submit a proposed schedule for the court to decide threshold issues, agreeing the Court should address the threshold issues of water modeling and the legal standard first. However, DOJ's position is that the Court should address general causation issues as a threshold issue to be determined by the entire court and that all motions, including Daubert motions, should be decided before trials are set.*

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3) Discovery-Trial Process for Track 2 Plaintiffs

- The Court inquired as to the timing for determining and initiating the discovery-trial process for Track 2 plaintiffs. PLG responded that the threshold issues in Track 1 should be decided before initiating the discovery and trial process for Track 2. PLG remains hopeful that once the Track 1 cases are resolved/tried, it may inform the resolution of all other cases, thereby obviating the need to spend the time and incur the expense for discovery and trial of not only Track 2 plaintiffs, but all plaintiffs.
- DOJ agreed that the Court's determination of the threshold issues will help move the cases to resolution. DOJ, however, advocated that the Track 2 discovery process on general causation should begin before the conclusion of the process for Track 1 plaintiffs.

4) Epidemiological Studies Conducted by PLG

- PLG indicated that, in accordance with Case Management Order No. 2 [D.E. 10], the PLG has undertaken to conduct extensive and reasonable scientific inquiries, studies, or other research necessary to propose which cancers, illnesses or other diseases should be allocated the PLG's finite common benefit resources. PLG reported that after the retention of numerous experts for review and analysis of numerous studies, PLG now has what it believes to be the top 40 compensable diseases related to the contamination at Camp Lejeune. While there are likely other diseases caused by the contamination, PLG has determined what it believes are the top 40. PLG asked to confer with the Court after the status conference in chambers to discuss with the Court and DOJ how this information should be addressed.

5) Other Issues

- A. Muster Rolls. PLG reminded the Court that it had previously requested the DOJ to produce the muster rolls. DOJ agreed to provide the muster rolls once the information from the muster rolls had been digitized. DOJ agreed to provide the status of the muster roll production by summer and has not yet done so. DOJ indicated that they believe that the digitization has been completed and will inquire as to the best way to provide this information to PLG. Given the government shutdown, however, it may be difficult now for DOJ to determine the status of the digitization and when that information will be available to provide to PLG. DOJ will inquire and advise PLG accordingly.
- B. Elective Options PLG expressed concern about the progress of the Department of Navy's administration of claims and elective options and requested the Court, at its next status conference, to require the Department of Navy to provide an update to the Court and the parties as to its progress.
- DOJ indicated that it will make an inquiry of the Department of Navy as to the progress, but indicated that the elective option process is outside the jurisdiction of the Court and not part of the litigation. DOJ did indicate that over 1,100 settlements have taken place, with approximately 90% of the elective option offers being accepted. Over \$300 million has been paid for these settlements. DOJ indicated that the government shutdown has impacted the progress as the claims unit was furloughed and this also may slow the process in terms of providing more current and detailed updates.
- PLG responded that the elective option process is a part of the overall settlement process, and it believes the Court has authority to request Department of Navy to come into court and update as to the progress given the importance of the elective option process with respect to the Court's control over future resolution of claims through the Settlement Masters
- The Court took this request under advisement.

The transcript of the October 20, 2025 hearing will be posted by Plaintiffs' Leadership Group on its website upon receipt of same. The next status conference with the Honorable Magistrate Judge Robert Jones will be held on Friday, November 14, 2025 at 1:00 p.m. in Wilmington.

Please continue to monitor our website for real-time updates: <https://camplejeunecourtinfo.com/>.

Respectfully,
Plaintiffs' Leadership Group

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We are committed to supporting you throughout the Camp Lejeune litigation process. Our involvement spans all levels, from investigating and preparing administrative claims to filing suits and managing settlements. Contact us today!