CAMP LEJEUNE
PLAINTIFFS' LEADERSHIP COUNSEL

REPORT ON THE STATUS OF THE CAMP LEJEUNE WATER LITIGATION DECEMBER 5, 2025

Below is the December 5, 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 Wednesday, December 3, 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 the following:

1) PLG Motion to Compel Production of Muster Rolls

- *On December 2, PLG filed a Motion to Compel Production of the Muster Rolls [D.E. 730] which PLG has been requesting for months and which DOJ has previously agreed to provide in digitized format. DOJ requested and was granted a one week extension of time to serve its response to the Motion to Compel. DOJ's response is due December 16, 2025.*

2) Issues Regarding Offsets

- *Judge Jones asked a question about the parties' dispute regarding offsets and patient payment information. Judge Jones noted that he understood offsets to be the amount the government has paid for medical care and other benefits. Judge Jones further noted that he understood the government is entitled to certain offsets for amounts it has paid but not for what each plaintiff has had to pay as co-pays or otherwise. Judge Jones then asked if the government's offsets would essentially be a wash since they would be applied against those same amounts claimed as damages by the plaintiff.*
- *The PLG agreed that any appropriate offset the government can prove should be a wash but pointed out that there are really two pieces to this issue – one is a request by PLG to the government for information related to co-pays, deductibles, and other out of pocket expenses incurred by the plaintiffs with respect to any such benefits or medical payments which sums go toward the plaintiffs' recoverable damages.*
- *The second piece is the government's claim to offsets. The PLG noted two primary concerns arising from the DOJ's statements in the current status report regarding its alleged offsets. On Page 10, the government indicates that (a) it is updating its previously gathered offset information including offset information "inadvertently not obtained" previously and (b) that "supplementation [of the government's offsets] will eventually be required up to and through the point of any potential trial damages awards."*
- *These statements are troublesome because all factual data pertaining to claimed offsets was to have been produced by the government already per prior court orders. Depositions were taken based on that data, plaintiffs have produced expert reports based on that data, and plaintiff damage assessment forms were updated. The PLG does not know yet the extent of any additional information to be produced by the government, which will presumably be produced on December 15, 2025 along with the DOJ's damages/offset expert reports, but the PLG anticipates that issues will arise with respect to this new data.*
- *In addition, the statement by the government that offsets will need to be supplemented up through trial damages awards evidences a larger issue and ongoing dispute that will need to be addressed by the Court. Offsets are intended to prevent double recovery and therefore any offset proven by the government should only be allowed to the extent that same amount has been awarded to a plaintiff for that same medical care or benefit. Thus, if a plaintiff chooses not to claim Medicare damages for example, the government should not be entitled to an offset for Medicare costs. In addition, if the plaintiffs' damages are cutoff at a certain point, then the government's offsets should be similarly cutoff since the amount of any proven offset should not exceed the amount awarded a plaintiff for that care. In other words, the government's offsets should not be allowed to exceed the amount of damages awarded to a plaintiff for the care or benefit that each offset represents. The offset should simply net out against that category of damage but not apply against other damages.*

- *The PLG has attempted to work with the government to enter into stipulations on these issues but the government has refused to enter into any stipulations, even as to past medical costs or statutory language.*
- *The DOJ informed the Court that it does not read the CLJA statute as intending to prevent double recovery and views its offsets as an overall deduction and not as category or claim specific. DOJ also contends that the stipulations proposed included interpretation of legal issues like the burden of proof and the government cannot stipulate to legal issues. There is also a requested stipulation that medical care received from Tricare is not subject to a setoff since it is administered by the Department of Defense and does not fall within the language of the statute and the government cannot stipulate to that interpretation.*
- *DOJ also indicated to the Court that the plaintiffs should have information relating to co-pays and other patient payment information. Judge Jones interjected that most plaintiffs would not keep check stubs or evidence of payments of co-pays going back as far as these claims but it would seem the government should have that information and that 22 plaintiffs should be fairly easy to track. DOJ responded that it in fact agreed to determine if the government could ascertain what was paid by plaintiffs for the Track 1 plaintiffs as co-pays. They reached out to each of the respective agencies and some agencies were able to provide some information. Others indicated that it would take 10-12 hours per plaintiff to determine what is available for each plaintiff and that would be too burdensome.*
- *DOJ also indicated that the nature of offsets is evolving in that the plaintiffs may become eligible for different benefits over time and DOJ must determine the total periodically since additional government benefits continue to be paid to each of the plaintiffs.*
- *PLG pointed out that this is a problem because DOJ is asking for a cutoff date plaintiffs' production of damages information including medical expenses claimed, yet DOJ would be continuing to update the amount of offsets because of continuing payment of government benefits after this cutoff. Allowing the government to continue to calculate offsets and seek amounts in excess of corresponding damages claimed by the plaintiffs would be inequitable and would result in a windfall for the government.*
- *The Court then asked a very good question: "What direction from the bench would the parties need?"*
- *PLG responded that it would be extremely helpful for the judges to determine thresholds issues with respect to offsets to prevent further expenditure of time and expense and to further the parties' efforts toward resolution. Such threshold issues would include the definition of offsets and how they will be determined (and whether they should zero out corresponding damages); identifying who has the burden of proof with respect to offsets; establishing whether future costs can be pursued as offsets; determining whether TriCare falls within the CLJA; etc.*
- *Further discussion took place between PLG and DOJ attempting to explain to the Court the relative positions with regard to how offsets should be calculated. The Court then indicated to the parties that they should file motions with respect to the threshold issues the parties believe need to be addressed now to move the case forward more expeditiously.*

3) Update from DON regarding status of administrative claim process and payments

- *PLG suggested that the Court invite a DON representative to come into court at the next status conference to provide an update to the Court and the parties as to what DON is doing in terms of processing and settling administrative claims. PLG felt that while the Court has no jurisdiction over DON, requesting a DON representative to come to court would provide transparency to the parties and the public as to the claim evaluation and resolution process which appears to be moving unnecessarily slowly. PLG offered to pay transportation expenses for the DON representative to appear in court.*
- *DOJ did not agree that it was necessary to have a DON representative appear in court to address these issues. DOJ indicated that one of the reasons for the lack of progress with the processing and extending settlement offers is that less than half of the administrative claimants have submitted supporting documents for their claims; and, of the claimants who have submitted documentation, many of claimants' documentation is insufficient to establish the elements for qualifying for an elective option offer.*

- *PLG responded that many claimants have requested military records and document from the government but have been unable to get those documents; and for those who have been able to successfully obtain from the government, it usually takes approximately 18 months to get them.*
- *The parties made the Court aware that on December 17, they will be attending another meeting with the settlement masters in Washington D.C. to further discuss the creation of a settlement matrix. DOJ represented that a DON representative will be present at that meeting and can answer questions posed by the parties and the settlement masters at that time. Based upon this, the Court did not rule on PLG's request/suggestion that a DON rep attend the next status hearing.*

4*) Water Modeling Issue*

- *The Court asked the parties how long they felt an evidentiary hearing on the water issues would take if the Court were to hold such a hearing.*
- *DOJ has requested an evidentiary hearing on the water modeling issue and indicated such a hearing would take one week or less. PLG has indicated that a hearing is not necessary, since all of the information necessary for the Court to make a decision on water modeling is included in the motions and supporting documents. PLG agreed that if a hearing were to be held, less than a week would be sufficient.*
- *DOJ responded that the Court must decide the reliability of the opinions of the respective experts; and further, the Court must decide what the contaminant levels were, at what periods of time, and in what areas of Camp Lejeune.*
- *PLG indicated that all evidence necessary to make these determinations as to methodology and what contaminants were in the water, when and where for each plaintiff, can be determined from the documents that have been submitted by the parties. It would be more expedient for each trial judge assigned to the specific Track 1 disease to determine the reliability of the methodology for the respective experts and the contamination levels, the timing of the contamination and the location of the contamination for each plaintiff, as opposed to having all four judges, three of whom would not be assigned to the specific plaintiff at issue, to decide these issues together and then again at each trial.*
- *The Court took no action with respect to the water modeling issue.*

The transcript of the December 3, 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 scheduled by future notice.

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

Respectfully,
Plaintiffs' Leadership Group