

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

IN RE:)	PLAINTIFFS' MOTION <i>IN LIMINE</i>
CAMP LEJEUNE WATER LITIGATION)	TO PRECLUDE INAPPROPRIATE
)	OFFSET EVIDENCE
This Pleading Relates to:)	
)	
ALL CASES)	

Pursuant to Fed. R. Evid. 401, 402, and 403, the Plaintiffs' Leadership Group (the "PLG") hereby respectfully moves the Court to exclude evidence inappropriate for proving offsets under section 804(e)(2) of the Camp Lejeune Justice Act (the "CLJA's Offset Provision"). *See* Pub. L. No. 117-168, § 804(e)(2), 136 Stat. 1759, 1802–04 § 804(e)(2). The PLG specifically requests:

First, this Court should preclude Defendant from offering evidence of any award, payment, or benefit that has not already been provided to the Plaintiff at the time an award is made. Specifically, this would preclude evidence of any award, payment, or benefit the Defendant contends the Plaintiff will receive in the future.

Second, this Court should preclude Defendant from offering evidence in order to prove an offset for any award, payment, or benefit which was not provided to a Plaintiff under the three programs listed in the CLJA's Offset Provision: "(i) any program under the laws administered by the Secretary of Veterans Affairs ["VA"]; (ii) the Medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 *et seq.*); or (iii) the Medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 *et seq.*)." *CLJA § (e)(2)(A).* For example, Defendant should be precluded from offering evidence in support of an offset for an award, payment, or benefit provided by or through TRICARE, which is administered by the Department of Defense.

Third, this Court should preclude Defendant from offering evidence supporting an offset to be applied against anything other than the equivalent category of claimed damages, or in an amount beyond the amount of equivalent claimed damages. These are the only damages for which there is any potential for double recovery. Thus, for example, VA disability benefits should not be offset against damages for pain and suffering. As this Court has noted, “VA benefits and potential tort damages differ in kind, not degree.” [D.E. 227] at 18.

Fourth and finally, this Court should preclude both parties from offering evidence of a Plaintiff’s past medical expenses that were paid by the government programs listed in the CLJA’s Offset Provision (programs administered by the VA, Medicare, and Medicaid). Such damages and corresponding offsets will always match and zero out. Because any recovery for past medical expenses paid by the programs listed in the CLJA Offset Provision will be offset in full, the exact amount of such past medical expenses is irrelevant, and any disputes about such amounts will waste the time and resources of the parties and the Court. Precluding such irrelevant evidence will avoid such unnecessary time, expense, and disputes.

In support of this Motion, the PLG submits the accompanying Memorandum of Law.

Dated: January 27, 2026

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