

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

IN RE:)
CAMP LEJEUNE WATER LITIGATION)
)
This Pleading Relates to:)
ALL CASES)
)

**CONSENT MOTION TO AMEND SECOND AMENDED STIPULATED PROTECTIVE
ORDER (CASE MANAGEMENT ORDER 15)**

Pursuant to Federal Rules of Civil Procedure 1, 16(c)(2)(L), and 42(a)(3), the Plaintiffs' Leadership Group (the "PLG"), with the consent of Defendant United States of America (collectively, "the Parties"), moves the Court to amend the Second Amended Stipulated Protective Order ("CMO 15"), D.E. 266.

During Phase I-III motions, the Parties submitted a multi-volume Joint Appendix on August 24-26, 2025. [D.E. 459-511]. The vast majority of the Joint Appendix was not filed under seal. However, three Track 1 Plaintiffs' mental health records will be cited during Phase III motions. Because those mental health records contain deeply personal and confidential information, they were filed provisionally under seal as part of a proposed Sealed Joint Appendix. [D.E. 511]. On August 27, 2025, the PLG filed a motion to seal the said mental health records. [D.E. 512].

On September 10, 2025, the PLG filed a motion to exclude the government's psychiatry expert. [D.R. 612]. The memorandum of law in support of that motion was filed provisionally under seal, and contemporaneously, the PLG filed a motion to seal that motion to exclude. [D.E. 614] Also on September 10, 2025, the government filed motions to exclude two mental health

experts. [D.E. 571 & 594] The PLG intends to file motions to seal the memoranda of law in support of the government's two motions to exclude on mental health issues.

An issue has arisen concerning the scope of access to any mental health records and memoranda which include discussion of mental health records that the Court may seal. The government contends that, under the terms of CMO 15, if a motion to seal mental health records is granted, then all plaintiffs' counsel in this docket shall have access to the mental health records. Given the confidential and sensitive nature of the mental health records at issue, the PLG contends that access to mental health records should be restricted to the PLG and Defendant's counsel only.

The PLG therefore proposes to amend CMO 15 by adding subsection "c." to Section 6 ("Filing Confidential Information with The Court Pursuant to Local Rules & Practice"), to restrict access to sealed mental health records and documents which refer to mental health records, such as Memoranda of Law relating to mental health experts, to the PLG and Defendant's counsel only. This proposed amendment will protect the privacy of the individual plaintiffs while permitting necessary use of the records during Phase III briefing.

WHEREFORE, the PLG, with consent of the Defendant, respectfully moves the Court to enter the attached proposed Order amending CMO 15 to provide that mental health records under seal may be accessed by the PLG and Defendant's counsel only.

Respectfully submitted, this the 17th day of September, 2025.

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CERTIFICATE OF SERVICE

I, J. Edward Bell, III, hereby certify that the foregoing document was electronically filed on the Court's CM/ECF system on this date, and that all counsel of record will be served with notice of the said filing via the CM/ECF system.

This the 17th day of September, 2025.

/s/ J. Edward Bell, III_____

J. Edward Bell, III