

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

IN RE:

Case Number 7:23-CV-897

CAMP LEJEUNE WATER LITIGATION

OCTOBER 20, 2025
STATUS CONFERENCE
BEFORE THE HONORABLE ROBERT B. JONES, JR.
UNITED STATES MAGISTRATE JUDGE

APPEARANCES:

On Behalf of the Plaintiffs:

J. Edward Bell, III, Esquire
Jenna Butler, Esquire
Mona Lisa Wallace, Esquire
A. Charles Ellis, Esquire (Via Telephone)

On Behalf of the Defendant:

J. Adam Bain, Esquire
Michael Cromwell, Esquire
Bridget Bailey Lipscomb, Esquire (Via Telephone)
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10:35:59AM 1 (Monday, October 20, 2025 at 11:00 a.m.)

11:04:14AM 2 THE COURT: Good morning. I have read the
11:04:30AM 3 status reports the parties filed. Mr. Bell, I had a question
11:04:35AM 4 about evidence you are hearing in Phase I. Do you think that
11:04:47AM 5 one may be beneficial on issues unrelated to Daubert or you
11:04:52AM 6 just don't think an evidentiary is necessary in Phase I?

11:04:56AM 7 MR. BELL: Judge, both sides have put up their
11:05:00AM 8 best case. Right? And to be honest, I think the Court can
11:05:04AM 9 look at these water modeling issues and make decisions based
11:05:11AM 10 on the briefing and the evidence submitted. It's a pretty
11:05:17AM 11 critical motion.

11:05:18AM 12 But when you think about it, it really is not
11:05:24AM 13 that hard to decide which way to go. It's the largest
11:05:29AM 14 epidemiological study that we know of in U.S. history. It
11:05:37AM 15 spans 40 to 50 to 60 years. And the Government's objection
11:05:41AM 16 is, well, in this instance, they couldn't tweak this and, in
11:05:45AM 17 this instance, they couldn't do that.

11:05:47AM 18 And I don't think the Court is going to require
11:05:48AM 19 the perfect over the good. This entire water modeling
11:05:53AM 20 process was the basis of Congress's statute. The Government
11:05:59AM 21 wants to kick everybody out.

11:06:01AM 22 The Government doesn't want to recognize what
11:06:05AM 23 they did in the past to create this problem. We would like
11:06:08AM 24 the Court to go ahead and decide the issues on water
11:06:12AM 25 modeling, make those decisions that may help us advance

11:06:15AM 1 somewhat the resolution process we are in. Some of the
11:06:21AM 2 issues may have been muted because that decision has not been
11:06:28AM 3 made yet.

11:06:29AM 4 THE COURT: Okay. Mr. Bain?

11:06:31AM 5 MR. BAIN: Your Honor, what has been filed in
11:06:32AM 6 Phase I are evidentiary motions based on Daubert. So those
11:06:37AM 7 would not resolve the issue of what the historic levels of
11:06:43AM 8 contamination were at Camp Lejeune and where at the base the
11:06:48AM 9 water was contaminated. So those just go to the evidentiary
11:06:52AM 10 admissibility of the different experts' opinions.

11:06:55AM 11 The Court would still have to decide which
11:06:58AM 12 experts' opinions are correct if it were to rule that they
11:07:01AM 13 could all be heard. So we don't think that the motions
11:07:05AM 14 resolve Phase I unless the Court were to decide that all the
11:07:09AM 15 Plaintiffs' experts are unreliable and that they did not have
11:07:12AM 16 any admissible evidence on Phase I.

11:07:15AM 17 Having the burden of proof, that would resolve
11:07:17AM 18 the issue. But if any of their experts are allowed to
11:07:22AM 19 testify, then the Court will have to determine which side's
11:07:25AM 20 experts offer the correct opinions regarding which areas of
11:07:28AM 21 the base were contaminated and what the levels were.

11:07:32AM 22 THE COURT: All right.

11:07:34AM 23 MR. BELL: Judge, I may have misused the term
11:07:40AM 24 Phase I. But the water modeling issues are different and
11:07:44AM 25 distinct from the Daubert issues. Now maybe Daubert in that

11:07:49AM 1 particular part is important. I don't think, in any event,
11:07:53AM 2 any of those expert witnesses that support or don't support
11:08:00AM 3 the water modeling, I don't think they need separate
11:08:03AM 4 hearings.

11:08:04AM 5 THE COURT: Does the Court need to have a
11:08:05AM 6 hearing to decide where the water was, what was in it, and
11:08:14AM 7 when?

11:08:15AM 8 MR. BELL: Judge, it's pretty clear. So the
11:08:19AM 9 report is there. I mean, it's thousands and thousands of
11:08:22AM 10 pages. While it's difficult to find it, we have kind of
11:08:26AM 11 gotten it down to where we know where they are and anyone can
11:08:30AM 12 ask a question, what about on this date, what's the exposure.

11:08:34AM 13 We have modeled all that out. We put it into
11:08:37AM 14 easily accessible tables for the Court to use. We've been
11:08:42AM 15 using them. They were used by our experts. I don't think
11:08:48AM 16 it's -- initially we may have thought this was a gargantuan
11:08:53AM 17 problem. It's not, Judge.

11:08:54AM 18 THE COURT: So if the Court accepts -- if the
11:09:00AM 19 Court deems admissible yours or the Government's based on
11:09:04AM 20 that information, the Court should be able to decide pretty
11:09:07AM 21 easily what was in the water where and when?

11:09:09AM 22 MR. BELL: We believe so.

11:09:11AM 23 MR. BAIN: It might be, Your Honor, that after
11:09:12AM 24 the Daubert motions are decided, the parties could file cross
11:09:17AM 25 motions for summary judgment but that hasn't been done yet.

11:09:21AM 1 THE COURT: Okay.

11:09:22AM 2 MR. BELL: You know we can continue to build
11:09:24AM 3 Rome, Judge. I am not trying to be flippant with it. But,
11:09:29AM 4 quite frankly, these are not difficult decisions. This is an
11:09:34AM 5 extremely detailed water model. And if this one isn't
11:09:39AM 6 admissible, I don't know what anyone could do.

11:09:43AM 7 THE COURT: Okay. All right.

11:09:44AM 8 MR. BAIN: I think the last thing I would say,
11:09:46AM 9 Your Honor, this is a very important case. So we shouldn't
11:09:48AM 10 skip over any important steps that need to be decided. It
11:09:52AM 11 should be decided. And the water modeling issue will be
11:09:56AM 12 decided for not only Track 1 but for all the other tracks.
11:09:59AM 13 So it's very important that that issue be decided based on a
11:10:02AM 14 full evidentiary record and to be decided correctly.

11:10:05AM 15 THE COURT: All right. Mr. Bell, I had another
11:10:09AM 16 question about the, I guess, this is about how the Court
11:10:16AM 17 moves into general causation and specific causation and how
11:10:25AM 18 those cases are assigned to each Judge and the Judge takes up
11:10:28AM 19 those issues.

11:10:29AM 20 In the status report, your portion of the status
11:10:33AM 21 report describes that process of each of the Track 1 diseases
11:10:39AM 22 being assigned to a particular Judge and those issues being
11:10:44AM 23 taken up by that Judge.

11:10:45AM 24 And then it says, after the completion of this
11:10:47AM 25 process, the PLG proposes that the Court set trial dates for

11:10:52AM 1 the Track 1 trial Plaintiffs. I get that. But I wonder, are
11:10:56AM 2 you suggesting that one District Judge, say, in leukemia,
11:11:02AM 3 needs to wait for general causation issues in kidney cancer
11:11:12AM 4 being decided before leukemia?

11:11:15AM 5 MR. BELL: No, sir. They are separate and
11:11:16AM 6 distinct and can be decided individually, Your Honor.

11:11:23AM 7 THE COURT: Are there any issues other than
11:11:30AM 8 water contamination that the Court should determine as a
11:11:34AM 9 whole?

11:11:36AM 10 MR. BELL: There's one, Your Honor. The issue
11:11:38AM 11 of the burden of proof or the standard of proof. As you
11:11:43AM 12 know, the statute calls for equipoise as the Government is
11:11:49AM 13 taking an unusual position that that only applies to one
11:11:54AM 14 portion and not to the whole. And we think that could be
11:11:57AM 15 decided pretty quickly, but it does need to be decided.

11:12:01AM 16 THE COURT: This is the "at least as likely as
11:12:04AM 17 not" standard?

11:12:05AM 18 MR. BELL: Yes, sir.

11:12:06AM 19 THE COURT: This is in the footnote on Page 10.
11:12:10AM 20 Mr. Bain, what are your thoughts? I think you have
11:12:13AM 21 highlighted that issue, but I was wondering whether there are
11:12:16AM 22 any others.

11:12:18AM 23 MR. BAIN: No. We agree that that issue can be
11:12:19AM 24 decided by the Court as a whole. Both parties have filed
11:12:23AM 25 briefs on that issue already. We will be responding to each

11:12:25AM 1 other's briefs on it. We believe that the burden of proof is
11:12:29AM 2 to be applied by the Court, not by individual experts.
11:12:33AM 3 That's not what they are supposed to do as a matter of
11:12:35AM 4 science.

11:12:37AM 5 THE COURT: Okay. And then also in the report,
11:12:40AM 6 Mr. Bain, I think you said the Government would like a
11:12:44AM 7 schedule for resolution of threshold issues. What are you
11:12:48AM 8 getting at there?

11:12:49AM 9 MR. BAIN: Well, the parties identified that the
11:12:51AM 10 two threshold issues being water contamination and general
11:12:55AM 11 causation are threshold issues and that those should be
11:12:58AM 12 decided before we move to individual trials.

11:13:01AM 13 We are committed to trying to get these cases
11:13:03AM 14 resolved by the end of next year. So we would welcome the
11:13:08AM 15 Court, as is often done, is scheduling actions to occur at a
11:13:14AM 16 certain time so that the parties can work toward that. Of
11:13:16AM 17 course, that's at the Court's discretion.

11:13:19AM 18 We would welcome it. If the Court would like us
11:13:21AM 19 to submit a proposed schedule for that, we are happy to do
11:13:25AM 20 that. But we do want to get these cases resolved next year
11:13:29AM 21 so that we can get moving on global settlement and hopefully
11:13:33AM 22 resolution of the entire litigation of the Navy claims.

11:13:40AM 23 THE COURT: Mr. Bell, any thought on that?

11:13:42AM 24 MR. BELL: Yes, sir, Judge. Now we are moving
11:13:43AM 25 out the bellwether trials to the end of next year. Again, we

11:13:48AM 1 continue to build Rome. All of the things the Government is
11:13:53AM 2 asking this Court to do delays these cases.

11:13:58AM 3 Judge, we have done a lot of research and we
11:14:02AM 4 believe that we have a very strong position that Daubert,
11:14:09AM 5 general causation, specific causation should be heard by the
11:14:14AM 6 Court at the time of trial. And there's a good reason for
11:14:16AM 7 that.

11:14:17AM 8 If we were worried about what the jury may hear
11:14:20AM 9 and what they might not hear, yes, preliminary motions may be
11:14:24AM 10 important. But if we do it before the trial, the Court is
11:14:28AM 11 going to have to have two trials. Have to bring the experts
11:14:32AM 12 in. Have those hearings.

11:14:37AM 13 Most Courts will say that if a Judge, a non-jury
11:14:44AM 14 trial, all of that could be, could be and should be heard at
11:14:49AM 15 once. We believe that's the most efficient way that would
11:14:53AM 16 get these cases tried quickly. We wouldn't have -- I mean,
11:14:57AM 17 it is the most efficient way.

11:14:59AM 18 Judge, we have done, like I said, we have done a
11:15:03AM 19 lot of research. And in an effort to try to capsulize what I
11:15:10AM 20 am trying to say -- and I have written it down so I don't
11:15:12AM 21 mess it up, Judge. And this comes from caselaw.

11:15:18AM 22 In the trial of a non-jury case, it is virtually
11:15:22AM 23 impossible for a Trial Judge to commit reversible error by
11:15:27AM 24 receiving incompetent evidence whether objected to or not.
11:15:32AM 25 An Appellate Court will not reverse a judgment in a non-jury

11:15:36AM 1 case because of the admission of incompetent evidence unless
11:15:40AM 2 all the competent evidence is insufficient to support the
11:15:45AM 3 judgment or unless it affirmatively appears that the
11:15:49AM 4 incompetent evidence induced the Court to make an essential
11:15:53AM 5 finding which would not otherwise have been made.

11:15:56AM 6 On the other hand, a Trial Judge who in the
11:15:58AM 7 trial of a non-jury case attempts to make strict rulings on
11:16:03AM 8 the admissibility of evidence can easily get his or her
11:16:07AM 9 decision reversed by excluding evidence which is objected to
11:16:12AM 10 but which on review the Appellate Court believes should have
11:16:15AM 11 been admitted.

11:16:17AM 12 There is compelling -- there is a compelling
11:16:19AM 13 argument that the Court should defer ruling on any Daubert
11:16:23AM 14 challenges and conditionally admit expert testimony during
11:16:27AM 15 the bench trials. The rulings on those challenges to be
11:16:30AM 16 included in the Court's findings of fact and conclusions of
11:16:34AM 17 law.

11:16:35AM 18 Judge, if we think that that's the way it should
11:16:38AM 19 be done except for the threshold question --

11:16:41AM 20 THE COURT: Correct. Then after the threshold
11:16:44AM 21 issue is resolved and this equipoise issue is resolved, then
11:16:50AM 22 you are off to the races.

11:16:52AM 23 MR. BELL: Even better than that --

11:16:53AM 24 THE COURT: And Judge Boyle's cases could
11:16:56AM 25 continue how Judge Boyle typically manages civil cases which

11:17:00AM 1 is not exactly the way that another Judge may handle it.

11:17:05AM 2 MR. BELL: But even better than that, Judge, we
11:17:07AM 3 think we have a good argument that maybe the Judges can do
11:17:11AM 4 what they want to do, of course. I am not trying to suggest
11:17:13AM 5 otherwise. But there are two of the five diseases that if
11:17:19AM 6 they were tried initially and quickly would resolve a lot of
11:17:26AM 7 other diseases when it comes to value.

11:17:28AM 8 I'll give you an example. Kidney cancer is one
11:17:33AM 9 of the more defined cancers in stages.

11:17:36AM 10 Stage I, you know exactly what it takes to be
11:17:38AM 11 classified Stage I and what goes along with that stage are
11:17:42AM 12 the resulting damages.

11:17:44AM 13 Stage II, of course, there's an elevated issue
11:17:47AM 14 when it comes to cancer.

11:17:50AM 15 Stage III, you are losing part of your kidney or
11:17:53AM 16 maybe all of it.

11:17:54AM 17 Stage IV, you are in trouble.

11:17:56AM 18 And Stage V is death.

11:17:57AM 19 So when you take all of the cancers that are
11:18:01AM 20 involved, most of them can be broken down into stages. Maybe
11:18:08AM 21 not cancer designation stages but this person had testicular
11:18:14AM 22 cancer. He got treatment. They are cured. This person had
11:18:18AM 23 this kind of cancer. It was too far gone. They got
11:18:22AM 24 treatment, and they extended their life.

11:18:24AM 25 I mean, so you can see the normal idea. Well,

11:18:29AM 1 kidney cancer is one of those cancers, one of the most
11:18:33AM 2 curable cancers. Get it early. You are okay. And even up
11:18:38AM 3 through Stage III and IV, sometimes it's curable. But then
11:18:42AM 4 you have some that aren't depending on the metastasis. So
11:18:46AM 5 that disease is particularly helpful to both sides.

11:18:54AM 6 It's how to take other cancers we are dealing
11:18:56AM 7 with. Then the other one you have, Your Honor, is
11:19:00AM 8 Parkinson's disease which is not similar to anything else
11:19:05AM 9 mostly. It's a brain blood barrier issue with these
11:19:08AM 10 chemicals get into the brain. It's a non-curable disease, as
11:19:12AM 11 you know.

11:19:14AM 12 And the issue there is how long have you had the
11:19:18AM 13 disease, when were you diagnosed. Were you diagnosed at 40
11:19:22AM 14 or 60 or 80. And the time of your diagnosis really says,
11:19:28AM 15 tells you what are your damages. Someone diagnosed, for
11:19:32AM 16 example, like Mr. Petersen in our bellwether, diagnosed
11:19:37AM 17 fairly young in life, fairly early in life. 20 something
11:19:42AM 18 years already and every year it gets worse.

11:19:46AM 19 Somebody gets diagnosed when they are 75 or 80
11:19:48AM 20 may actually end up not having the large sequela at the end
11:19:52AM 21 of the disease as someone diagnosed earlier. So we think
11:19:55AM 22 those two would be very, very helpful and might resolve some
11:20:00AM 23 of the cancers that we may want to put in Track 2 and Track 3
11:20:04AM 24 and further along.

11:20:05AM 25 That's just our suggestion. Obviously the Court

11:20:08AM 1 has a lot of options. We are trying to figure out a way,
11:20:12AM 2 Judge, that we can fast track and get something done.

11:20:16AM 3 And we would propose to the Court that both
11:20:20AM 4 sides, both the Plaintiff and the Defendant, maybe submit a
11:20:23AM 5 proposal to the Court. Maybe 10 pages to kind of have some
11:20:28AM 6 ideas how to proceed. We would be glad to do that if the
11:20:31AM 7 Court --

11:20:31AM 8 THE COURT: Beyond resolution of Phase I?

11:20:35AM 9 MR. BELL: Well --

11:20:36AM 10 THE COURT: Are you talking about Track 2?

11:20:39AM 11 MR. BELL: Well, we believe that Track 1 has to
11:20:42AM 12 be addressed first. We have learned a lot of lessons, Judge,
11:20:47AM 13 that I am not sure Track 2 and Track 3 the CMOs adequately
11:20:52AM 14 address those problems.

11:20:53AM 15 We would -- and I mentioned this before. We
11:20:56AM 16 think that looking at Track 2 and Track 3 and maybe
11:21:00AM 17 rethinking the way that's done in another way could be more
11:21:04AM 18 efficient. I can't imagine going through Track 2 and Track 3
11:21:10AM 19 and doing the same thing we have done with Track 1 could be
11:21:14AM 20 efficient at all.

11:21:15AM 21 THE COURT: How far do we get down Track 1 until
11:21:22AM 22 we talk about how to best manage 2 and subsequent tracks?

11:21:29AM 23 MR. BELL: I say this with respect to the
11:21:32AM 24 Government, Your Honor. If we go this far in Track 2 and
11:21:37AM 25 Track 3 and can't get them resolved, we are in big trouble.

11:21:41AM 1 We have done that in Track 1. And I hate to go spend all of
11:21:45AM 2 that money and get all of that stuff done and we are in the
11:21:49AM 3 same position we are in today on Track 2 and Track 3.

11:21:52AM 4 THE COURT: Do we need to have -- probably need
11:22:00AM 5 to have a decision on water contamination. Does the Court
11:22:04AM 6 need to decide causation issues before you all are -- on
11:22:09AM 7 Track 1 before you all are able to submit a proposal about
11:22:16AM 8 how to best manage 2 and subsequent tracks or do you need to
11:22:19AM 9 wait until the trials and have some verdicts?

11:22:23AM 10 MR. BELL: Hope springs eternal. We are hoping
11:22:30AM 11 that with some decisions by the Court we think that would
11:22:33AM 12 encourage resolution of the threshold decisions. They could
11:22:39AM 13 discourage resolution, but we think it will encourage
11:22:42AM 14 resolution.

11:22:42AM 15 And we think that the vast majority of the
11:22:46AM 16 diseases that will eventually be compensable will be cancers
11:22:51AM 17 and we think that the cancer decisions for value will help
11:22:58AM 18 also sitting down and talking to the Government.

11:23:01AM 19 THE COURT: A rising tide lifts all ships.
11:23:04AM 20 Kidney cancer decisions could be helpful in other cancers.

11:23:08AM 21 MR. BELL: Yes, sir.

11:23:10AM 22 THE COURT: Mr. Bain, what do you think?

11:23:13AM 23 MR. BAIN: I would like to address some of the
11:23:14AM 24 points that Mr. Bell made. First of all, the Court has
11:23:16AM 25 already decided to address threshold issues which will help

11:23:19AM 1 resolve these cases and even the Daubert issues for Phase III
11:23:24AM 2 will help resolve these cases. We believe that many of these
11:23:29AM 3 cases will not even -- a trial will not even be necessary for
11:23:31AM 4 them.

11:23:31AM 5 So it's most efficient to handle these threshold
11:23:34AM 6 issues first and the Daubert issues first before the Court
11:23:38AM 7 decides which cases are necessary to be tried. It also
11:23:44AM 8 doesn't make any sense to prioritize any diseases within
11:23:48AM 9 Track 1. All of these diseases are different.

11:23:51AM 10 Mr. Bell explained how kidney cancer and
11:23:55AM 11 Parkinson's disease are different but not how lymphoma is
11:23:59AM 12 also different. It is primarily idiopathic meaning there's
11:24:02AM 13 no known causes that have been associated with non-Hodgkin's
11:24:07AM 14 lymphoma. Leukemia has very well defined latency periods.
11:24:12AM 15 So leukemias are different than the other diseases.

11:24:14AM 16 So these Track 1 diseases have all been selected
11:24:17AM 17 for a reason. They all should progress at the same time. We
11:24:20AM 18 are committed to getting these cases, the ones that need to
11:24:23AM 19 be tried, to trial as soon as possible. But the Court has
11:24:27AM 20 already decided threshold issues should be decided first and
11:24:31AM 21 it's the most efficient way to do things.

11:24:33AM 22 With respect to Track 2, Track 2 can start to
11:24:37AM 23 proceed, I believe, after the water contamination phase has
11:24:41AM 24 been decided. And then we can look at having exchange of
11:24:45AM 25 expert opinions on whether there is any relationship between

11:24:48AM 1 the chemicals at Camp Lejeune and any of the Track 2 diseases
11:24:52AM 2 so that after general causation has been decided for Track 1
11:24:57AM 3 then we can move to general causation for Track 2 and
11:25:01AM 4 efficiently resolve that.

11:25:02AM 5 So I don't think we need to wait until the end
11:25:04AM 6 of trials to get moving on Track 2. I do think that we can
11:25:08AM 7 get a lot resolved in Track 1 and that might lead to global
11:25:11AM 8 resolution. But at least we will have started on Track 2 if
11:25:14AM 9 that doesn't turn out to be the case.

11:25:19AM 10 THE COURT: Thank you.

11:25:19AM 11 MR. BELL: I think Track 2 and Track 3 are
11:25:21AM 12 important. And at the end of this hearing, we are going to
11:25:26AM 13 ask the Court for a minute in chambers. The Case Management
11:25:34AM 14 Order, I believe, Number 2, requires Plaintiffs Leadership
11:25:38AM 15 Group to conduct scientific studies. And we have done that.
11:25:42AM 16 We have been doing that all along.

11:25:44AM 17 We now have what we believe to be the top 40
11:25:49AM 18 diseases, Your Honor. That doesn't mean the other diseases
11:25:53AM 19 out there are not compensable. But, for example, there are a
11:26:01AM 20 couple of diseases that are clearly related but the amount of
11:26:06AM 21 claimants are very low. So it's we just had -- we've got to
11:26:11AM 22 plan our resources, Judge.

11:26:12AM 23 THE COURT: I understand.

11:26:13AM 24 MR. BELL: So we would like to know from the
11:26:18AM 25 Court how we handle that information. We don't think it

11:26:21AM 1 should be put in a pleading. We think it ought to be done
11:26:25AM 2 maybe through the settlement master. But we would like to
11:26:29AM 3 talk to the Court.

11:26:30AM 4 THE COURT: All right. That's all I had to
11:26:34AM 5 bring up other than our next meeting date. So anything you
11:26:40AM 6 all would like to talk about, I am all ears.

11:26:44AM 7 MR. BELL: Let me just check my notes, Your
11:26:48AM 8 Honor. I have two matters, Your Honor, if I could. The
11:26:51AM 9 first one is fairly simple. I mentioned to counsel the other
11:26:57AM 10 day that we would like to know the status of the Muster Roll.
11:27:01AM 11 I know you haven't heard that term for years.

11:27:06AM 12 THE COURT: Blast from the past.

11:27:08AM 13 MR. BELL: And you remember the Government said
11:27:11AM 14 they would have that completed by this past summer. Still
11:27:15AM 15 curious because that is a huge -- it was a huge effort, if
11:27:20AM 16 they have done it. And it would be completely unbelievable
11:27:25AM 17 for efficiency for us to have that as well. So I would like
11:27:28AM 18 the Court to inquire. I haven't gotten an answer, and I am
11:27:33AM 19 sure with the shutdown it might not be the best time to get
11:27:36AM 20 an answer.

11:27:37AM 21 THE COURT: Where did we leave it with the
11:27:38AM 22 Muster Rolls?

11:27:39AM 23 MR. BELL: We had moved to have the Muster Rolls
11:27:42AM 24 remember there was a discussion about a prior contract to
11:27:45AM 25 digitize the Muster Rolls and apparently that didn't work out

11:27:49AM 1 for some reason. But the Government said don't worry, we are
11:27:55AM 2 digitizing those Muster Rolls anyway and if you wait you will
11:27:59AM 3 get them when we are finished. And that's where we left it.
11:28:04AM 4 So I would like to know about the Muster Rolls, Your Honor.

11:28:07AM 5 THE COURT: Mr. Bain?

11:28:10AM 6 MR. BAIN: Your Honor, my understanding is that
11:28:13AM 7 the digitization of the Muster Rolls has been substantially
11:28:16AM 8 completed, if not entirely completed, and that we are in the
11:28:19AM 9 process of inquiring how best to produce that to the
11:28:24AM 10 Plaintiffs.

11:28:25AM 11 And I think the shutdown has occurred at a time
11:28:29AM 12 when we may not be able to get that information until the
11:28:34AM 13 Government is back in operation. But we will inquire about
11:28:37AM 14 that and communicate with Mr. Bell what the current status of
11:28:42AM 15 that is.

11:28:43AM 16 THE COURT: All right. Let's inquire about
11:28:46AM 17 that.

11:28:47AM 18 MR. BELL: I am curious, Judge, when they
11:28:49AM 19 finished it because we would have liked to have known this
11:28:52AM 20 earlier. But we look forward to hearing from the Government.

11:28:54AM 21 The second thing, Your Honor, is we would like
11:28:56AM 22 the Court's involvement in the EO option issues. Judge, you
11:29:07AM 23 recall at one of the earlier hearings the Government produced
11:29:12AM 24 an individual from the Department of Navy who kind of gave a
11:29:17AM 25 summary to the Court of what was going on, the process they

11:29:19AM 1 were using.

11:29:23AM 2 We have people, Judge, who would like to take
11:29:27AM 3 the option because they are dying because they are too old.
11:29:32AM 4 They cannot put up with this any longer. While I think that
11:29:36AM 5 is a shame, the fact is these offers are, in our opinion,
11:29:42AM 6 extremely low.

11:29:44AM 7 But if someone is compelled to take these
11:29:46AM 8 options and they are going to have to wait 2 or 3 years to
11:29:51AM 9 get it or longer, then what good is it. Right? So we
11:29:58AM 10 believe there's a process, Judge, where the Government could
11:30:01AM 11 turn this over to an administrator, resolution administrator
11:30:08AM 12 to actually manage efficiently and quickly the data that's
11:30:12AM 13 required to substantiate these claims.

11:30:15AM 14 And I don't know if that's something the
11:30:17AM 15 Government would agree to, but I know DOGE took away part of
11:30:29AM 16 their employees which is now hampering the work. Of course,
11:30:35AM 17 the shutdown isn't helping at all either.

11:30:38AM 18 We would request the Court at our next -- when
11:30:43AM 19 the Government is back in place but at least at our next
11:30:46AM 20 status conference once the shutdown is completed to have
11:30:50AM 21 someone from the Department of Navy give us an update kind of
11:30:53AM 22 where we are.

11:30:57AM 23 THE COURT: Mr. Bain, anything on that?

11:31:00AM 24 MR. BAIN: Your Honor, the United States is
11:31:02AM 25 happy to discuss with the Court the progress of the Elective

11:31:07AM 1 Option that the Navy has been conducting. Of course, that's
11:31:10AM 2 outside the litigation of this case. So I think that limits
11:31:13AM 3 to a certain extent what the Court can do on it.

11:31:17AM 4 I will say, it's been very successful so far.
11:31:19AM 5 There's been over 1,100 settlements that have occurred. 90
11:31:22AM 6 percent of the settlement offers that give a response are
11:31:25AM 7 accepted. And we paid out more than -- or the value of the
11:31:34AM 8 extended offers is over a half billion dollars and we have
11:31:36AM 9 already paid out more than \$300,000 for these settlements.

11:31:41AM 10 We have been approving settlements at a very
11:31:45AM 11 high rate on a weekly basis. I will say, however, the
11:31:48AM 12 shutdown has affected that because the Navy's Camp Lejeune
11:31:53AM 13 Claim Unit has been furloughed as a result of the shutdown.
11:31:55AM 14 But as soon as that is over, I expect that we will continue
11:32:00AM 15 to give the same amount of weekly requests for approval.

11:32:07AM 16 I should have said over 300 million not \$300,000
11:32:12AM 17 have been paid for accepted settlements so far.

11:32:17AM 18 MR. BELL: Judge, we recognize the Court can't
11:32:22AM 19 dictate to the Department of Navy. But that is part of the
11:32:25AM 20 settlement process and part of the overall resolution
11:32:29AM 21 process.

11:32:30AM 22 And if we can't figure out a way to do that
11:32:33AM 23 properly and efficiently and as we go forward on any kind of
11:32:38AM 24 global resolution, the Court does have the ability to demand
11:32:40AM 25 and require administrators and things like that.

11:32:47AM 1 This is what the settlement masters are aware of
11:32:52AM 2 and so understanding how the Government may actually handle a
11:32:58AM 3 global resolution is very paramount to helping us make good
11:33:05AM 4 decisions. So we would ask the Court to inquire or have
11:33:09AM 5 someone from the Department of Navy to come into the court
11:33:11AM 6 like they have done before.

11:33:13AM 7 THE COURT: Right. I will consider it. Segue
11:33:18AM 8 into when do you all -- when do the parties want to meet
11:33:22AM 9 next?

11:33:23AM 10 MR. BELL: Judge, I have looked at the calendar.
11:33:25AM 11 I have a couple of conflicts that I am in other cases. Can
11:33:30AM 12 we look at the Thursday or Friday of the week of the 10th?

11:33:35AM 13 THE COURT: Veterans Day is the Tuesday.

11:33:59AM 14 Mr. Bain, what are your thoughts on that week?

11:34:03AM 15 MR. BAIN: I believe those days work for the
11:34:05AM 16 Government.

11:34:05AM 17 THE COURT: What were the days? Thursday and
11:34:06AM 18 Friday?

11:34:07AM 19 MR. BELL: Yes, sir. The 13th and 14th would
11:34:09AM 20 suit but, of course, whatever the Court says.

11:34:15AM 21 THE COURT: The 13th I have got a criminal term.
11:34:18AM 22 I've got some civil matters the 14th. Can we do it that
11:34:24AM 23 Friday in that afternoon, the 14th?

11:34:25AM 24 MR. BELL: Yes, Your Honor.

11:34:29AM 25 THE COURT: What time do you think would be

11:34:30AM 1 best?

11:34:30AM 2 MR. BELL: Whatever the earliest you have in the
11:34:32AM 3 afternoon.

11:34:33AM 4 MR. BAIN: That's fine with the Government.

11:34:34AM 5 THE COURT: I will look at that. I've got a
11:34:38AM 6 truncated calendar here, but we will set it for the 14th.
11:34:43AM 7 And I will look at some times generally from 1 p.m. to later.
11:34:51AM 8 Anything else from the parties?

11:34:52AM 9 MR. BELL: Other than maybe a short meeting if
11:34:54AM 10 you have a minute.

11:34:55AM 11 THE COURT: Mr. Bain?

11:34:59AM 12 MR. BAIN: One other thing I do want to mention
11:35:01AM 13 that there was an item regarding Dr. Hu in the joint status
11:35:06AM 14 report. I wanted to report to the Court that I think we are
11:35:08AM 15 close to resolution of that issue.

11:35:10AM 16 THE COURT: Oh, good.

11:35:14AM 17 MR. BAIN: The Plaintiffs offered a deposition.
11:35:15AM 18 I think we will accept that.

11:35:17AM 19 THE COURT: Anything else?

11:35:17AM 20 MR. BELL: No, Your Honor.

11:35:25AM 21 MR. BAIN: Nothing else, Your Honor.

11:35:27AM 22 THE COURT: Thank you very much.

11:35:35AM 23 (The conference concluded at 11:35 a.m.)

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C E R T I F I C A T I O N

I certify that the foregoing is a correct transcript from the record of proceedings in the above-entitled matter.

/s/ Bobbie J. Shanfelder

Bobbie J. Shanfelder, RDR, CRR

Official Court Reporter

Date: November 10, 2025