

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

IN RE:	)	
	)	
CAMP LEJEUNE WATER LITIGATION	)	<b>PLAINTIFFS' SUBMISSION FOR</b>
	)	<b>TRACK 3 DISEASES</b>
	)	
This Document Relates To:	)	
ALL CASES	)	

Plaintiffs' Leadership Counsel respectfully makes this submission regarding Track 3 Disease selection pursuant to Case Management Order 2 ("CMO #2"):

1. On September 26, 2023, in CMO #2, the Court designated the five Track 1 diseases: bladder cancer, kidney cancer, leukemia, Parkinson's disease, and non-Hodgkin's lymphoma. Doc. 23, p. 8.

2. Under CMO #2, the Court further instructed that within 60 days of entry of CMO #2, the parties would submit to the Court the agreed-upon group or competing groups of diseases for Track 2. Doc. 23, pp. 11-12.

3. On November 27, 2023, the parties filed competing Track 2 proposals. The Plaintiffs requested the following five illnesses for Track 2: "(1) liver cancer, (2) sclerosis / scleroderma, (3) multiple myeloma, (4) kidney disease (i.e., end-stage renal disease, chronic kidney disease, increased kidney weight, or increased urinary protein tubular toxicity), and (5) aplastic anemia." Doc. 58. The Defendant requested the following five illnesses for Track 2: "(1) prostate cancer, (2) breast cancer, (3) lung cancer, (4) pancreatic cancer, and (5) esophageal cancer." Doc. 56.

4. The Court has not yet ruled on the parties' competing proposals for the Track 2 illnesses.

5. Under CMO #2, “[w]ithin 30 days after proposing Track 2 conditions, Lead Counsel, the Government Liaison, counsel for Defendant, or their designees shall submit to the Court an agreed upon group or competing groups of five additional illnesses for the purposes of Track 3.” Doc. 23, p. 12.

6. The parties have met and conferred but have been unable to come to an agreement regarding Track 3 Diseases. Plaintiffs’ proposal is stated below.

7. Plaintiffs respectfully request that the Court approve the following:

- a. Plaintiff’s proposed selection for Track II diseases. (liver cancer, sclerosis / scleroderma, multiple myeloma, kidney disease (i.e., end-stage renal disease, chronic kidney disease, increased kidney weight, or increased urinary protein tubular toxicity), and aplastic anemia)
- b. Defendants’ proposed Track II diseases be used for the Track III diseases, but substitute “childhood leukemia” for “pancreatic cancer.”

This would make the selections by Plaintiff’s Leadership and the Defendant the same, except for the request for substitution of “childhood leukemia” for “pancreatic cancer.”<sup>1</sup>

Plaintiffs do not agree with Defendants’ proposals described in Defendant’s separate submission for modifying procedures for Track 3 diseases or otherwise. Rather, Plaintiffs believe that the Court should continue to use its existing procedures to ensure there is no further delay. Additionally, Plaintiffs do not believe that medical monitoring would be an appropriate Track disease but should be part of the damage criteria for all Plaintiffs. In further support, Plaintiffs respectfully direct the Court to their response to Defendant’s similar contentions made in the parties’ notice of filing regarding Track 2 diseases dated November 27, 2023, Doc. 58, at pp. 4-7. In addition, certain of Defendants’ contentions such as for additional time are also found in

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<sup>1</sup> Pancreatic Cancer may have additional scientific support in the 2023 ATSDR Cancer Incident Study, which has not yet been released. Pancreatic Cancer should not be selected as a Track disease until the study has been released.

Defendant's motion filed on December 26, 2023, Doc. 95, to which Plaintiffs will be responding in due course.

Respectfully submitted this 27th day of December, 2023.

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**CERTIFICATE OF SERVICE**

I hereby certify that on December 27, 2023, a copy of the foregoing was filed via the Court's ECF system and served on counsel of record through the ECF system and can be accessed through that system.

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