

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
7:23-CV-897

IN RE:)
)
CAMP LEJEUNE WATER LITIGATION)
)
This Document Relates to:)
Jefferson Criswell v. USA, 7:23-CV-1482-BO)
Terry F. Dyer v. USA, 7:23-CV-357-D)
Mark A. Cagiano v. USA, 7:23-CV-569-BO)
Jimmy Laramore v. USA, 7:23-CV-594-FL)
Edward Raymond v. USA, 7:23-CV-546-BO)
Frank Mousser v. USA, 7:23-CV-667-D)
Allan W. Howard v. USA, 7:23-CV-490-FL)
David W. Fancher v. USA, 7:23-CV-275-M)
David Downs v. USA, 7:23-CV-1145-FL)
Jacqueline Tukes v. USA, 7:23-CV-1553-BO)
Joseph M. Gleesing v. USA, 7:23-CV-1486-FL)
Vivian Connard, Representative of Stephen)
Matthew Connard v. USA, 7:23-CV-1557-M)
Bruce W. Hill v. USA, 7:23-CV-28-M)
Robert Fiolek v. USA, 7:23-CV-62-BO)
Karen Marie Amsler v. USA, 7:23-CV-284-BO)
Frances Carter, Personal Representative of the)
Estate of Ronald Carter v. USA, 7:23-CV-1565-M)
Robert A. Kidd v. USA, 7:23-CV-1489-FL)
Cometto Davis v. USA, 7:23-CV-43-BO)
Jose Vidana v. USA, 7:23-CV-1575-M)
Scott Keller v. USA, 7:23-CV-1501-FL)
Edgar Allen Peterson, IV v. USA, 7:23-CV-1576-M)
Gary McElhiney v. USA, 7:23-CV-1368-BO)
Diane Rothchild v. USA, 7:23-CV-858-D)
Robert Welch v. USA, 7:23-CV-1503-FL)
Richard Sparks v. USA, 7:23-CV-682-M)

TRIAL ORDER CONFIRMING THE
TRACK 1 TRIAL PLAINTIFFS

The Court’s recent Order Regarding Track 1 Trial Plaintiff Selection Protocol, [D.E. 232] (Case Management Order No. 12, or “CMO 12”), limited eligibility for selection as a Track 1 Trial Plaintiff to plaintiffs “waiving their rights to allege that any other illnesses or injuries besides Track

1 Illnesses (and those injuries or conditions stemming from a Track 1 Illness or its treatment) were caused by the water at Camp Lejeune.”¹ See [D.E. 232] 1. CMO 12 also required that after the Plaintiffs’ Leadership Group (“PLG”) obtained waivers from proposed Track 1 Trial Plaintiffs, the “Defendant shall propose those plaintiffs to the court to proceed to trial[,]” before the Court would confirm designation of the Track 1 Trial Plaintiffs. See *id.* The Plaintiffs informed the United States on June 25, 2024, that for the plaintiffs proposed as Track 1 Trial Plaintiffs, they have obtained waivers for non-Track 1 Illnesses or injuries, and the selected Track 1 Plaintiffs will proceed only with Track 1 Illnesses (and injuries or conditions stemming from a Track 1 Illness or treatment). These waivers have been confirmed in the joint motion. Accordingly, it is so:

ORDERED that the plaintiffs designated as Track 1 Trial Plaintiffs are as follows:

Bladder Cancer

Jefferson Criswell v. USA	Case No. 7:23-cv-01482-BO
Terry F. Dyer v. USA	Case No. 7:23-cv-00357-D
Mark A. Cagiano v. USA	Case No. 7:23-cv-00569-BO
Jimmy Laramore v. United States	Case No. 7:23-cv-00594-FL
Edward Raymond v. United States	Case No. 7:23-cv-00546-BO

Kidney Cancer

Frank Mousser v. USA	Case No. 7:23-cv-00667-D
Allan W. Howard v. USA	Case No. 7:23-cv-00490-FL
David W. Fancher v. USA	Case No. 7:23-cv-00275-M

¹ The court established the “Track 1 Illnesses” in Case Management Order No. 2, [D.E. 23] 8, specifically (1) bladder cancer, (2) kidney cancer, (3) leukemia, (4) Parkinson’s disease, and (5) non-Hodgkin’s Lymphoma.

David Downs v. United States	Case No. 7:23-cv-01145-FL
Jacqueline Tukes v. United States	Case No. 7:23-cv-01553-BO

Leukemia

Joseph M. Gleesing v. USA	Case No. 7:23-cv-01486-FL
Vivian Connard, Representative of Stephen Matthew Connard v. USA	Case No. 7:23-cv-01557-M
Bruce W. Hill v. USA	Case No. 7:23-cv-00028-M
Robert Fiolek v. United States	Case No. 7:23-cv-00062-BO
Karen Marie Amsler v. United States	Case No. 7:23-cv-00284-BO

Non-Hodgkin's Lymphoma

Frances Carter as Personal Representative of the Estate of Ronald Carter v. USA	Case No. 7:23-cv-01565-M
Robert A. Kidd v. USA	Case No. 7:23-cv-01489-FL
Cometto Davis v. USA	Case No. 7:23-cv-00043-BO
Jose Vidana v. United States	Case No. 7:23-cv-01575-M
Scott Keller v. United States	Case No. 7:23-cv-01501-FL

Parkinson's Disease

Edgar Allen Peterson, IV v. USA	Case No. 7:23-cv-01576-M
Gary McElhiney v. USA	Case No. 7:23-cv-01368-BO
Diane Rothchild v. USA	Case No. 7:23-cv-00858-D
Robert Welch v. United States	Case No. 7:23-cv-01503-FL

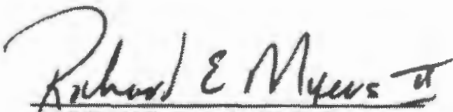
Richard Sparks v. United States	Case No. 7:23-cv-00682-M
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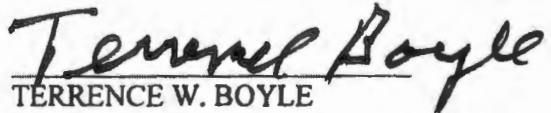
IT IS FURTHER ORDERED that within 10 days of the entry of this Order, all Track 1 Trial Plaintiffs shall amend their Short Form Complaints to remove waived allegations that any illnesses or injuries besides Track 1 Illnesses (and those injuries or conditions stemming from a Track 1 Illness or its treatment) were caused by the water at Camp Lejeune.

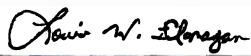
IT IS FURTHER ORDERED that fact discovery for the Track 1 Trial Plaintiffs, including general discovery, shall conclude on August 11, 2024.

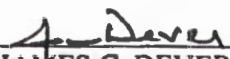
IT IS FURTHER ORDERED that discovery and all deadlines for Track 1 Discovery Pool Plaintiffs, [D.E. 130] 1-3, not selected as one of the Track 1 Trial Plaintiffs are STAYED.

SO ORDERED. This 9th day of July, 2024.


RICHARD E. MYERS II
Chief United States District Judge


TERRENCE W. BOYLE
United States District Judge


LOUISE W. FLANAGAN
United States District Judge


JAMES C. DEVER III
United States District Judge