

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)	TRACK 2 DISCOVERY PLAN ORDER
)	(CASE MANAGEMENT ORDER NO. 9)
This Document Relates to:)	
ALL CASES)	

Pursuant to this court’s inherent powers, the Federal Rules of Civil Procedure 1, 16(c)(2)(L), 42(a)(3), and Case Management Order No. 2 (“CMO 2”) [D.E. 23], the court hereby enters the Track 2 Discovery Plan Order (Case Management Order No. 9). *See* Fed. R. Civ. P. 1, 16(c)(2)(L), 42(a)(3). Pursuant to CMO 2 [D.E. 23] XI.B., the parties submitted competing proposals for consolidated Track 2 discovery. *See* [D.E. 56]; [D.E. 58]. The court has considered the parties’ submissions and supporting documentation.

The court recognizes the efficiency gained from a “track” discovery approach in this litigation:

Staging discovery and trials by “tracks” of illnesses is the most efficient way to advance the [Camp Lejeune Justice Act (“CLJA”)] litigation and support a global resolution of CLJA claims. The staging approach in this Order comports with the Federal Rules of Civil Procedure and this Court’s inherent powers. *See, e.g., Link*, 370 U.S. at 630 – 31; Fed. R. Civ. P. 1, 16(c)(2)(L), 42(a)(3). The staging approach also recognizes that this Court has four United States District Judges and a heavy docket of CLJA and non-CLJA actions.

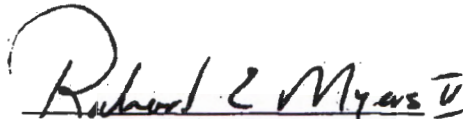
[D.E. 23] XI.¹

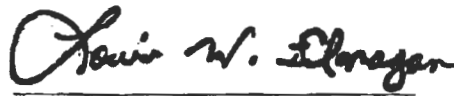
The Discovery Pool for Track 2 shall include Plaintiffs alleging: (1) prostate cancer; (2) kidney disease; (3) lung cancer; (4) liver cancer; or (5) breast cancer (“Track 2 Illnesses”). This


¹ The parties are currently proceeding with consolidated Track 1 discovery. [D.E. 130].

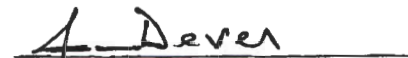
selection does not assess the merits of these or other CLJA actions. Rather, the selection focuses on illnesses for which early trials may help to promote early resolution for common illnesses. The parties are ordered to submit, either jointly or separately, a proposed discovery plan for the Track 2 Illnesses within 10 days of this order.

SO ORDERED. This 26th day of February, 2024.


RICHARD E. MYERS II
Chief United States District Judge


LOUISE W. FLANAGAN
United States District Judge


TERRENCE W. BOYLE
United States District Judge


JAMES C. DEVER III
United States District Judge