

Deadline Passes For Camp Lejeune Claims

By **Emily Field**

Law360 (August 12, 2024, 7:37 PM EDT) -- The deadline for U.S. Marine Corps servicemembers and their families to file administrative claims with the federal government over illnesses contracted by contaminated drinking water at Camp Lejeune passed on Saturday, with more than 320,000 claims that have been filed with the U.S. Navy.

The deadline comes two years after President Joe Biden signed the Camp Lejeune Justice Act, which eased the way for plaintiffs who lived on the base between 1953 and 1987 to sue the government. So far, the Navy has been able to offer 109 settlements, according to a July 30 joint **status report**, of which 64 resulted in administrative claim deals.

Additionally, there have also been just under 1,900 lawsuits that have been filed under the CLJA in North Carolina federal court, where four judges in the Eastern District are overseeing the litigation.

Under the law, plaintiffs must file administrative claims before filing lawsuits in court. The suits claim that exposure to water on the military base contained excessive levels of chlorinated solvents and other contaminants, causing bladder cancer, kidney cancer, lymphoma and other diseases.

Last year, one of the judges, U.S. District Judge James C. Dever III, made a point about the scope of the litigation and the difficulty of holding jury trials by asking a DOJ attorney about the span of the Roman Empire.

"With the [two-year] window closed, we see that the approach of jury trials has failed with the very first trial being scheduled near 2026," Hunter Shkolnik of Napoli Shkolnik PLLC, representing the plaintiffs, told Law360 on Monday. "This is evidence that Judge Dever was right: This case will last longer than the Roman Empire. Settlement is the best course for our clients."

The four judges have held that the CLJA does not allow jury trials, only bench trials.

Last week, U.S. Magistrate Judge Robert B. Jones Jr. released an order that urged the federal government and plaintiffs' lawyers to resolve **"ongoing difficulties"** such as fact disputes ahead of bench trials, calling the parties' stipulations since the last status conference "less than robust."

Judge Jones issued an unprompted order telling the sides they would benefit from a "thorough and detailed discussion" on the proof needed for claims in bench trials, adding that he wants the sides to inform him of any agreements on the elements of a CLJA claim and the general framework for trial.

"To date, based on the parties' representations, it appears the stipulations have been less than robust," he said.

Judge Jones ordered a report on the parties' progress by Aug. 20, a week before the next scheduled status conference.

The order also told the sides that updates on settlements should no longer be included in routine reports to the court in light of settlement masters and a liaison being appointed, as well as another judge's order to limit the public disclosure of administrative settlement information.

The veterans and families are represented by J. Edward Bell III of the Bell Legal Group PLLC, Zina Bash of Keller Postman LLC, Elizabeth J. Cabraser of Lieff Cabraser Heimann & Bernstein LLP, W. Michael Dowling of the Dowling Firm PLLC, Robin L. Greenwald of Weitz & Luxenberg PC, James A.

Roberts III of Lewis & Roberts PLLC, and Mona Lisa Wallace of Wallace & Graham PA, among others.

The government is represented by Adam Bain and Haroon Anwar of the U.S. Department of Justice's Civil Division.

The case is Camp Lejeune Water Litigation v. U.S., case number 7:23-cv-00897, in the U.S. District Court for the Eastern District of North Carolina.

--Editing by Adam LoBelia.