

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA**

**MICHAEL SEAN PARTAIN,** )

**Plaintiff,** )

**v.** )

**UNITED STATES OF AMERICA,** )

**Defendant.** )

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**No. 7:23-cv-00110-BO-RJ**

**RONALD WATTS,** )

**Plaintiff,** )

**v.** )

**UNITED STATES OF AMERICA,** )

**Defendant.** )

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**No. 7:23-cv-00280-BO-RN**

**KAREN AMSLER,** )

**Plaintiff,** )

**v.** )

**UNITED STATES OF AMERICA,** )

**Defendant.** )

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**No. 7:23-cv-00284-BO**

**JOHNNY SANDERSON,** )

**Plaintiff,** )

**v.** )

**UNITED STATES OF AMERICA,** )

**Defendant.** )

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**No. 7:23-cv-00285-BO**

**HARRY JAMES KUCZMA,**  
**Plaintiff,**

v.

**UNITED STATES OF AMERICA,**  
**Defendant.**

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**No. 7:23-cv-00294-D**

**ROBERT NEIL MORIARTY,**  
**Plaintiff,**

v.

**UNITED STATES OF AMERICA,**  
**Defendant.**

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**No. 7:23-cv-00297-FL**

**JEROME M. ENSMINGER,**  
**Plaintiff,**

v.

**UNITED STATES OF AMERICA,**  
**Defendant.**

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**No. 7:23-cv-00161-M-RN**

**JENNIE BROWN,**  
**Plaintiff,**

v.

**UNITED STATES OF AMERICA,**  
**Defendant.**

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**No. 7:23-cv-00282-M-RJ**

ANDREW HEATH III,	)	
	)	
<b>Plaintiff,</b>	)	
	)	
v.	)	<b>No. 7:23-cv-00283-M-RN</b>
	)	
UNITED STATES OF AMERICA,	)	
	)	
<b>Defendant.</b>	)	
_____	)	
	)	
FERNANDO PAOLETTI,	)	
	)	
<b>Plaintiff,</b>	)	
	)	
v.	)	<b>No. 7:23-cv-00296-M-BM</b>
	)	
UNITED STATES OF AMERICA,	)	
	)	
<b>Defendant.</b>	)	
_____	)	

**MEMORANDUM IN SUPPORT OF JOINT MOTION FOR COORDINATION OR  
PARTIAL CONSOLIDATION AND FOR ISSUANCE OF INITIAL CASE  
MANAGEMENT ORDER**

The parties in the above-captioned cases respectfully submit their Memorandum in Support of their Joint Motion for Coordination or Partial Consolidation and for Issuance of Initial Case Management Order, and show as follows:

**I. INTRODUCTION**

Over the weeks and months to come, it is expected that tens of thousands of individuals, and possibly more, will become eligible to file claims in this Court arising under the Camp Lejeune Justice Act of 2022 (the “CLJA”).<sup>1</sup> Under the principles set out in the Manual for Complex

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<sup>1</sup> On August 10, 2022, the Honoring our PACT Act of 2022 (“PACT Act”) was signed into law. Pub. L. No. 117-168, 136 Stat. 1759 (2022). The PACT Act addresses, *inter alia*, tort claims related to harm caused by exposure to contaminated water at Camp Lejeune. This section of the PACT Act is the Camp Lejeune Justice Act (“CLJA”), Pub. L. 117-168, § 804.

Litigation,<sup>2</sup> and employed in analogous<sup>3</sup> matters, these proceedings are amenable to coordination, or alternatively, partial consolidation.

Under Rule 42(a) of the Federal Rules of Civil Procedure, the Court, in its discretion and upon a finding that actions before the court “involve a common question of law or fact,” may: “(1) join for hearing or trial any or all matters at issue in the actions; (2) consolidate the actions; or (3) issue any other orders to avoid unnecessary cost or delay.” Fed. R. Civ. P. 42(a). Here, flowing from the very nature of the CLJA statute itself, it is clear that the litigation of these cases will involve the repeated consideration of common, overlapping, or related issues of fact or law.<sup>4</sup>

Coordinating or consolidating the cases comprising these proceedings should generate efficiencies benefiting the parties and the Court, so long as it is a process performed in a manner that accounts and calibrates for the unique nature of the CLJA claims.

Accordingly, the parties respectfully request that the Court enter an initial case management order preliminarily coordinating these proceedings and soliciting the submission of proposals for their further organization and progression. The parties are filing this identical motion in cases pending before each of the judges in this District. The parties understand from the Court’s prior rulings on earlier motions that the Court may want each judge to retain a separate docket of CLJA cases. If the Court is not inclined to consolidate the cases before a single judge, which the Defendant favors, the parties submit that coordination would allow the Court flexibility in

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<sup>2</sup> Manual for Complex Litigation, Fourth Edition (Federal Judicial Center).

<sup>3</sup> The CLJA is a *sui generis* new statute with unique procedural and substantive elements and requirements. As discussed below, principles applicable both to multidistrict mass tort litigation and to class actions may apply herein by analogy. This, however, is neither an MDL proceeding nor a class action.

<sup>4</sup> This conclusion is reinforced by reviewing pre-CLJA cases that were filed under negligence and other common-law theories against the government, which themselves were handled as an MDL, prior to their dismissal. See *In re Camp Lejeune N.C. Water Contamination Litig.*, 263 F. Supp. 3d 1318 (N.D. Ga. 2016).

efficiently managing discovery and in providing consistent legal rulings for claims brought under this new statute.

In joining in this motion, Defendant does not admit any of the substantive allegations of the subject Plaintiffs, nor does Defendant join in substantive contentions regarding the particular Plaintiffs and the substantive facts of their CLJA claims. In particular, the Defendant does not take any position on leadership counsel for Plaintiffs at this time.

## **II. BACKGROUND FACTS**

### **A. The CLJA – in general.**

On August 10, 2022, the PACT Act and CLJA were enacted. *See generally Fancher v. United States*, No. 5:22-CV-315, 2022 U.S. Dist. LEXIS 228319, \*2-8 (E.D.N.C. Dec. 20, 2022) (Dever) (summarizing the CLJA).<sup>5</sup> The CLJA is a new statute applicable to any “individual, including a veteran ..., or the legal representative of such an individual, who resided, worked, or was otherwise exposed (including in utero exposure) for not less than 30 days during the period beginning on August 1, 1953, and ending on December 31, 1987, to water at Camp Lejeune, North Carolina, that was supplied by, or on behalf of, the United States....” CLJA § 804(b).

Congress designated this District as the exclusive venue with jurisdiction over these claims. A claimant “may bring an action in the United States District Court for the Eastern District of North Carolina to obtain appropriate relief for harm that was caused by exposure to the water at Camp Lejeune.” *Id.* § 804(b), (d).

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<sup>5</sup> *See also Girard v. United States*, No. 2:22-CV-22-FL, 2023 U.S. Dist. LEXIS 2669, \*5-6, 2023 WL 115815 (E.D.N.C. Jan. 5, 2023) (Flanagan); *Pugh v. United States*, No. 7:22-CV-124-BO-BM, 2023 U.S. Dist. LEXIS 14691, \*1-4, 2023 WL 1081262 (E.D.N.C. Jan. 27, 2023) (Boyle) (same); *Reyes v. United States*, No. 7:22-CV-00181-BO, 2023 U.S. Dist. LEXIS 36145, \*5-6 (E.D.N.C. Feb. 2, 2023) (Numbers) (same).

The statute provides that a plaintiff must “produce evidence showing that the relationship between exposure to the water at Camp Lejeune and the harm is— (A) sufficient to conclude that a causal relationship exists; or (B) sufficient to conclude that a causal relationship is at least as likely as not.” *Id.* § 804(c)(2).

The statute expressly incorporates the FTCA’s requirement that a claim must be presented to the relevant federal agency before the judicial action may proceed. *Id.* § 804(h) (cross-referencing 28 U.S.C. § 2675). Under that provision, if the federal agency fails to make a final disposition of a claim within six months of its filing, the claim is “deemed” denied, allowing the claimant to file an action in court. 28 U.S.C. § 2675(a).

The Act includes its own statute of limitations and expressly makes inapplicable any other statute of repose or statute of limitations. CLJA § 804(j). The Act’s statute of limitations provides that “[a] claim in an action under this section may not be commenced after the later of— (A) the date that is 2 years after the date of enactment of this Act; or (B) the date that is 180 days after the date on which the claim is denied under section 2675 of title 28, United States Code.” *Id.* § 804(j)(2).

**B. CLJA – opening date to file claims and the number of claims filed to date.**

With the Act’s enactment on August 10, 2022, the window to file a timely CLJA administrative claim opened. The earliest that a timely CLJA claim could be filed in this Court was on or about February 10, 2023 (six months later). As of the date of the filing of this motion, approximately one month has passed since the window has opened to file ripe and timely CLJA claims in this Court.

According to media and other reports, approximately 5,000 claims had been administratively filed as of September 2022,<sup>6</sup> 6,000 by October 2022,<sup>7</sup> and 20,000 by February 2023.<sup>8</sup> As of February 12, 2023, none of the administrative claims had been fully adjudicated.<sup>9</sup> Accordingly, it appears that while the six-month time period has been expiring to allow claimants to file claims in Court and leave the Navy's administrative process, it is not yet mandatory for claimants to file their claim in Court. Rather, it is merely an option that can be, but does not need to be, exercised by the claimants.

By February 27, 2023, 158 CLJA claims had been filed in this Court.<sup>10</sup> By March 6, 2023, 179 CLJA claims had been filed.<sup>11</sup> As of the date of this filing, the number is now believed to be more than 200, based on reviewing the ECF docket.

### **C. The Movant Plaintiffs.**

As alleged in their respective Complaints, Plaintiffs are current or former U.S. Marine servicemembers, or individuals who allege that they resided, worked, or were otherwise exposed<sup>12</sup>

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<sup>6</sup> See Diana Novak Jones, *Camp Lejeune Water Contamination Claims Total About 5,000 So Far, Navy Says*, REUTERS (Sept. 12, 2022), <https://www.reuters.com/legal/government/camp-lejeune-water-contamination-claims-total-about-5000-so-far-us-navy-says-2022-09-12/>.

<sup>7</sup> See October 11, 2022, *Camp Lejeune Litigation Updates*, Mingo & Yankala, S.C. (March 1, 2023), <https://www.mysclaw.com/camp-lejeune-litigation-updates/#:~:text=The%20latest%20information%20as%20of,specifically%20the%20Judge%20Advocate%20General.>

<sup>8</sup> See Diana Novak Jones, *More Than 100 Lawsuits Filed in U.S. Court Over Camp Lejeune Water After Waiting Period Passes*, REUTERS (Feb. 13, 2023), <https://www.reuters.com/legal/litigation/more-than-100-lawsuits-filed-us-court-over-camp-lejeune-water-after-waiting-2023-02-14/#:~:text=The%20law%20opened%20a%20two,accept%20liability%20and%20offer%20compensation.>

<sup>9</sup> *Id.* More recently, some substantiation letters have been sent out for some claims.

<sup>10</sup> See Ronald V. Miller, Jr., *Camp Lejeune News and Updates*, Miller & Zois, LLC (March 11, 2023), <https://www.lawsuit-information-center.com/camp-lejeune-water-lawsuit.html>.

<sup>11</sup> *Id.*

<sup>12</sup> Note that generally some Plaintiffs may be survivors or wrongful death beneficiaries of Marines or individuals who resided, worked, or were otherwise exposed during the relevant periods at Camp Lejeune.

to contaminated water at Camp Lejeune during pertinent times. Plaintiff Jerry Ensminger alleges that his daughter died of childhood leukemia proximately caused by exposure to the contaminated water. Plaintiff Mike Partain alleges that he was diagnosed with male breast cancer caused by exposure to the toxic water at Camp Lejeune. Ronald Watts (leukemia), Jennie Brown (bladder cancer), Andrew Heath (kidney cancer), Karen Amsler (leukemia), Johnny Sanderson (leukemia), Harry Kuczma (kidney cancer), Robert Moriarty (Parkinson's disease), and Fernando Paoletti (kidney disease) were each diagnosed with an illness that they contend was caused by exposure to the contaminated water at Camp Lejeune.

**D. Undersigned Counsel.**

Undersigned counsel for Plaintiffs show that they represent the above-captioned Plaintiffs. Further, undersigned counsel for Plaintiffs state that they represent thousands of other veterans, family members and other eligible claimants, whose cases are not yet filed. And, the undersigned counsel for Plaintiffs state that they are working in conjunction with a group of co-counsel who collectively represent additional thousands of individuals who have filed claims with the Navy and are eligible to now file in this Court or who are expected to become eligible to file claims in this Court in the months to come.

Given the large volume of potential cases, and the fact that venue lies exclusively in the Eastern District of North Carolina, it is critical to examine the possibility of exploring alternative avenues for the prompt and fair resolution of claims—alternatives that would supplement, not supplant, litigation. As a result, undersigned attorneys for Plaintiffs represent that they have been working in close collaboration with other Plaintiffs' counsel in Camp Lejeune cases in engaging with the Department of Justice to explore creative and innovative methods of alternative dispute resolution. The goal of these ongoing discussions is to determine whether a feasible method of

alternative dispute resolution could result in swift, fair, settlement of a substantial subset of what is expected to be a voluminous number of claims. The effect, if successful, would be to reduce the Court's docket.

### **III. ARGUMENT**

#### **A. The cases should be coordinated or partially consolidated.**

Coordination at this juncture will benefit all Plaintiffs, Defendant, and the Court in its ongoing management of the cases. Coordination preserves flexibility and, as Movants respectfully suggest, is optimal approach for these cases filed under this *sui generis* statute, all of which are to be litigated in in this District. *See generally* Manual for Complex Litigation (Fourth) §§ 10.123 (noting that “[c]oordination methods include arrangements made by counsel, communications between judges, joint pretrial conferences and hearings at which all involved judges preside, and parallel orders”); 20.14 (noting that “judges can coordinate proceedings in their respective courts to avoid or minimize duplicative activity and conflict”), 40.51 (model order).

The Court may coordinate or consolidate actions under its vast discretion and authority over pretrial and trial management and under Fed. R. Civ. P. 42(a) if they “involve a common question of law or fact.” The purpose of coordination or consolidation is to avoid unnecessary cost or delay. This Court summarized the relevant law in *Marketel Media, Inc. v. Mediapotamus, Inc.*, No. 5:13-CV-427-D, 2013 U.S. Dist. LEXIS 160154, \*9-10, 2013 WL 5965681 (E.D.N.C. Nov. 8, 2013) (Dever):

Under Federal Rule of Civil Procedure 42(a), a court may consolidate two or more cases pending in the same district if they involve “a common question of law or fact.” *See* Fed. R. Civ. P. 42(a); *Gen. Tire & Rubber Co. v. Watkins*, 373 F.2d 361, 369 (4th Cir. 1967). Common questions of law and fact do not have to predominate. Rather, a district court must find only that they exist and that consolidation will prove beneficial. *See, e.g., Hanes Cos. v. Ronson*, 712 F. Supp. 1223, 1230 (M.D.N.C. 1988). Courts have broad discretion in determining whether consolidation is proper, and may consolidate cases *sua sponte*. *See, e.g., Pickle v.*

*Char Lee Seafood, Inc.*, 174 F.3d 444, 447 (4th Cir. 1999); *Bess v. Cnty. of Cumberland*, No. 5:11-CV-388-BR, 2011 U.S. Dist. LEXIS 116929, 2011 WL 4809879, at \*9 (E.D.N.C. Oct. 11, 2011) (unpublished).

Although actions involving the same parties are apt candidates for consolidation, complete identity of parties is not required. A common question of law or fact is enough. *See, e.g., Safran v. Sheriff of Nassau Cnty.*, Nos. 12-CV-599 JFB, 12-CV-3296 JFB, 2012 U.S. Dist. LEXIS 103123, 2012 WL 3027924, at \*1 (E.D.N.Y. 2012) (unpublished); *Nat'l Ass'n of Mortg. Brokers v. Bd. of Governors of Fed. Reserve Sys.*, 770 F. Supp. 2d 283, 286 (D.D.C. 2011).

*See also In re Cree, Inc., Securities Litig.*, 219 F.R.D. 369, 371 (M.D.N.C. 2003) (consolidating “19 purported class action suits making substantially similar allegations which would impose a greater burden on all parties, witnesses, and judicial resources if each were maintained separately”).

In exercising its discretion, the Court may consider a variety of factors. *See Ash v. PowerSecure Int'l, Inc.*, No. 4:14-CV-92-D, 2014 U.S. Dist. LEXIS 145443, \*5-6, 2014 WL 5100607 (E.D.N.C. Oct. 10, 2014) (Dever):

“District courts have broad discretion under [Rule 42(a)] to consolidate causes pending in the same district.” *A/S J. Ludwig Mowinckles Rederi v. Tidewater Constr. Corp.*, 559 F.2d 928, 933 (4th Cir. 1977). In exercising its discretion, a court weighs the risks of possible prejudice and confusion from consolidation with the risks of inconsistent adjudications of common factual and legal issues, the burden on parties and judicial resources posed by multiple lawsuits, and other efficiencies created by a single suit in lieu of multiple suits. *Arnold v. E. Air Lines, Inc.*, 681 F.2d 186, 193 (4th Cir. 1982).

*See also Pariseau v. Anodyne Healthcare Mgmt., Inc.*, No. 3:04-cv-630, 2006 U.S. Dist. LEXIS 17357, \*5-6, 2006 WL 325379 (W.D.N.C. Feb. 9, 2006) (“Many of the reasons why cases should be consolidated include: (1) the possibility of inconsistent adjudication of common factual and legal issues; (2) unnecessary burden on parties and witnesses created by separate cases; (3) judicial economy; and (4) additional time requirements and expenses resulting from separate trials. By contrast, the reasons why cases should not be consolidated include: (1) prejudice to parties; (2)

juror confusion; and (3) additional time requirements and expenses resulting from consolidation.”); *Dittus v. KEG, Inc.*, Nos. 3:14-cv-00300-JFA, 0:14-cv-03029-JFA, 2014 U.S. Dist. LEXIS 166116, \*5 2014 WL 6749183 (D.S.C. Dec. 1, 2014) (similar findings).

Here, the facts and equities favor adopting some form of coordination or partial consolidation of these proceedings. First and foremost, the CLJA claims involve common, overlapping, or related issues of law or fact. *See* Fed. R. Civ. P. 42(a). Each case asserts the same general cause of injury under the same statute and, therefore, alleges the same claim elements and invoke similar factual and legal issues to be resolved. The cases all arise out exposures during a delimited period of time and encompassing a common geographical region. Claimants are expected to allege that certain illnesses are associated with the water exposures involved.

Coordination or partial consolidation of appropriate pretrial matters also does not pose material risks of prejudice or confusion. To the contrary, coordinating or consolidating these cases will minimize the possibility of divergent procedures and outcomes, and thus promote fairness and uniformity. Further, coordinating or consolidating certain pretrial matters will allow the Court to establish uniform procedures for CLJA cases that will conserve the resources of the Court and the parties alike. Finally, Defendant submits that consolidation or coordination would also relieve some of the burden that will be encountered by the single Defendant in litigating these matters.

**B. Discovery should be coordinated or consolidated.**

Consolidation or coordination would also allow the Court to consider steps that can be undertaken to effectuate efficient fact and expert witness discovery. For example, phased and coordinated discovery could allow for issues of common import regarding experts under the CLJA to be litigated and adjudicated more efficiently. In the past, the Court has used this approach in

the context of coordinating approximately 500 claims alleged in 26 lawsuits in the proceedings styled as *In re: NC Swine Farm Nuisance Litigation*, No. 5:15-CV-13-BR.<sup>13</sup>

*In re: NC Swine Farm Nuisance Litigation* involved approximately 500 individual plaintiffs who were grouped into 26 lawsuit complaints. Each complaint pertinently alleged a private nuisance claim against the same Defendant, Murphy-Brown, LLC. The reason why the various plaintiffs commenced actions in 26 different cases is because each group represented a different set of homes around one or more allegedly nuisance-causing hog operations. The Defendant owned all the hogs on all farms. See *In re: NC Swine Farm Nuisance Litigation*, No. 5:15-CV-13-BR, 2017 U.S. Dist. LEXIS 80597, \*14, 2017 WL 2312883 (E.D.N.C. May 25, 2017) (describing background); *In re: NC Swine Farm Nuisance Litigation*, No. 5:15-CV-13-BR, 2017 U.S. Dist. LEXIS 185089 \*13, 2017 WL 5178038 (E.D.N.C. May 25, 2017) (similarly describing background). In those proceedings, the Court opened a coordinated master case number docket where filings of common importance across all member cases would be filed. A threshold motion to dismiss was briefed in one unified brief for all cases. After the motion to dismiss was denied, the Court worked with the parties to have certain key issues isolated and agreed-upon for initial discovery. Under the Court's supervision, the parties negotiated the terms of an initial fact sheet which was used to obtain basic threshold discovery information from all claimants. Discovery from the defendant was also calibrated to avoid submitting the single defendant to multiple different fleets of incoming discovery from multiple claimants. Over time, the Court oversaw the parties' negotiation of a "discovery pool" of cases for depositions and more intensive discovery. Summary judgment and *Daubert* issues were briefed across the five cases in the discovery pool. After those issues were decided, and summary judgment had been denied, the Court oversaw

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<sup>13</sup> Undersigned co-counsel include Wallace and Graham who were counsel for the Plaintiffs therein.

selection of groups of claimants from the discovery pool cases for bellwether trials. *See also* Alvin K. Hellerstein, James A Henderson Jr., and Aaron D. Twerski, *Managerial Judging: The 9/11 Responders' Tort Litigation*, 98 Cornell L. Rev. 127, 142-71 (2012) (discussing how centralized collection of relevant data on individual plaintiffs in mass tort litigation led to settlement).

A similar coordinated approach would be useful and beneficial here. The nature of the CLJA statute logically leads to the filing of claims that fall into certain common categories. For example, claimants may commonly allege a certain type of cancer as being caused by their contamination exposures. There are common allegations that will inevitably—and repeatedly—alleged in each complaint. Given that common issues will likely arise, it becomes imperative to organize the litigation such that they are fairly and efficiently dealt with to avoid duplicative effort or inconsistent rulings. For example, if the proceedings were coordinated, the same witnesses would not need to be deposed on multiple occasions in different cases by different counsel.

**C. Relevant motions should be addressed on a coordinated basis.**

The parties also propose that the Court consider coordinating or consolidating pretrial motion practice. For example, assume that the government asserts a threshold defense as to certain claimants, but not others. It would be sensible to seek to consolidate the briefing on a motion to dismiss based on that threshold defense, for efficiency and to avoid duplicated effort and inconsistent rulings.

The same analysis also applies for summary judgment motions or expert-related motions raised under *Daubert*. For example, an issue that may be raised during those phases may relate to the construction and application of the unique alternative proof standard under the Act, which includes an “at least as likely as not” standard. CLJA § 804(c)(2)(B). Or, a *Daubert* issue may

arise with regard to experts testifying with regard to causation of a particular form of cancer in a set of cases. In such situations, coordinated handling bears obvious advantages.

**D. Docket management and bellwether selection.**

The parties also propose that docket management matters be coordinated or consolidated. The parties respectfully request that the Court create a master docket for those filings pertaining to all actions in this litigation, styled *In re: Camp Lejeune Justice Act Litigation*. Such master dockets are common in mass tort litigation and help to save time and expense. *See* Manual for Complex Litigation (Fourth) § 40.52; *In re NC Swine Farm Nuisance Litigation*, Master Docket No. 5:15-cv-00013-BR (E.D.N.C.).

There are likely to ultimately be claims of hundreds or thousands of Plaintiffs filed before this Court. It will be important to aggregate and monitor the metrics and characteristics of this expansive cohort. For example, cases may be materially categorized with regard to the specific type of illnesses that are alleged. Other metrics could include total time period of alleged exposure and placement of that time period within the known overall timeline of the base contamination. By analogy to multidistrict litigation, the Court may consider the use of a census or registry process to manage mass claims. Those processes, in turn, often require the retention of a third-party vendor to administer the extensive amounts of data involved in the cases. *See, e.g., In re Zantac (Ranitidine) Prods. Liab. Litig.*, 20-MD-2924, 512 F. Supp. 3d 1278, 1282 (S.D. Fl. Jan. 8, 2021) (noting that the “Court has created a Census Registry where thousands of claimants who have not filed lawsuits have registered their claims”). From this mass of claims, the parties and the Court may select bellwether cases for more extensive discovery and trial.

**E. Other considerations.**

Movants do not know the Court's intention with regard to whether appointment of a leadership structure for the Plaintiffs is necessary or warranted. However, in the event that the Court determines that a leadership structure is, in fact, necessary here, Movants respectfully request that the Court set forth a fair and equitable process by which the Court may consider various movants' respective leadership applications. In this regard, movants respectfully submit that any selection process should be open, transparent, and inclusive.

**IV. CONCLUSION**

The parties respectfully request that the Court grant their motion for entry of a preliminary case management order and for coordination or partial consolidation of these proceedings asserting claims under the CLJA.

Dated: March 23, 2023.

s/Mona Lisa Wallace  
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**CERTIFICATE OF SERVICE**

The undersigned confirms and verifies that on the date indicated below, he or she has caused service of process of this document under the Court's ECF electronic filing system which will transmit a copy to every counsel of record.

This the 23rd day of March, 2023.

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