

Lawyers Challenge Government's Attempt to Ban Jury Trials in Camp Lejeune Toxic Water Case



Government Faces Opposition in Resolution of Compensation Claims

Lawyers representing victims of the Camp Lejeune toxic water contamination are pushing back against what they perceive as a misguided government attempt to eliminate jury trials in the resolution of potentially hundreds of thousands of compensation claims. The lead plaintiffs' attorneys filed a motion on Monday, arguing that the Camp Lejeune Justice Act, passed by Congress last year, was intended to provide veterans, workers, and others affected by contaminated water at the North Carolina base with the opportunity to present their cases before a jury.

Historical Evasion of Compensation

The motion contends that the government has a long history of avoiding compensating the plaintiffs for their suffering, lost opportunities, and deaths. This evasion allegedly began with covering up the contamination and later employing various technical legal arguments to escape liability under existing laws. The attorneys assert that Congress, recognizing this history, aimed to ensure that Camp Lejeune Justice Act victims would have their claims heard by a jury of their peers.

Rejecting Government's Efforts

The legal filing urges the court to reject the government's attempt to strip Camp Lejeune victims of their statutorily guaranteed right to a jury trial. This response is prompted by a motion filed by the government last month, asserting that the Camp Lejeune Justice Act did not explicitly grant the right to a jury trial but rather only specified "appropriate relief" for victims.

Pretrial Disputes Threaten Compensation Process

This jury trial dispute is one of two pretrial conflicts that could disrupt and delay the compensation process for individuals who spent at least 30 days at the base between 1953 and 1987 and attributed their illnesses to its contaminated waters.

Government's Move to Limit Attorney Fees

In response to reports of attorneys charging exorbitant fees, the government has moved to limit attorney fees, proposing caps of 20% of administrative settlements and 25% of litigation payouts—aligning with standards used in the Federal Tort Claims Act.

Early Resolution Program Introduced

The government has also introduced an early resolution program to expedite payments ranging from \$100,000 to \$550,000 to victims or their relatives with undisputed claims. This program is part of the government's effort to streamline the compensation process.

Massive Scale of the Case

The Camp Lejeune water contamination case is on track to become one of the most significant mass tort cases in history, with over 129,000 claims filed with the Navy. Government lawyers estimate that the demands in these claims alone exceed \$3.3 trillion.

Registration Deadline Approaching

The window for claim registration is set to close in August. Claimants can sue if the Navy rejects or fails to act on their claim within six months of receiving it. Approximately 1,400 lawsuits have been filed in the Eastern District of North Carolina, and the number is expected to rise.

Anticipated Trial Dates

The first trials in this massive case could commence in 2024. Both sides are submitting 50 cases for bellwether trials, which will influence the resolution of other cases. The outcomes of these trials are anticipated to shape the trajectory of the overall litigation.

The case, formally known as Camp Lejeune Water Litigation v. United States of America, is in progress in the Eastern District of North Carolina, docket number 7:23-cv-00897, with developments expected throughout 2023.

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