



### What is the PACT Act?

The PACT Act is a veterans health care bill that contains the Camp Lejeune Justice Act. Specifically, for a period of two years, the PACT Act opens the courts to people who were harmed by the unsafe water at Camp Lejeune, allowing them to sue for damages. Currently, lawsuits are prohibited due to a North Carolina law called the “statute of repose” that only allows people to sue 10 years after exposure.

A Camp Lejeune lawsuit is not a VA claim, is not processed by the VA, and is not linked to the VA presumptive list. It's a lawsuit against the government in the federal courts. It's also not an automatic settlement, so you must win your case to get compensation.

The bulk of the PACT Act deals with burn pits and other toxins. Our focus is Section 804, Federal Cause of Action Relating to Water at Camp Lejeune.

### Are Camp Lejeune Lawsuits a Class Action?

No. A class action is a group of plaintiffs who have a similar complaint against one defendant. While Camp Lejeune lawsuits deal with a single complaint (toxic water) against one defendant (the government) from a large group of people (anyone who was harmed by the toxic water), Bell Legal Group won't be filing our cases as a class action lawsuit. Why? Because the plaintiffs in a class action are treated as a single entity rather than individuals and any compensation would be divided equally. We believe each person's claim should be decided on its own merits.

On the other hand, a mass tort is a process where a large number of cases with similar allegations are grouped together for judicial efficiency throughout the litigation process, but all the claims retain their individuality and are judged based on their own circumstances. What this might mean is that cases with similar medical diagnoses are filed together, such as Parkinson's cases. But each case inside a mass tort will stand on its own.

### Do You Need a Specific Illness to File a Camp Lejeune Claim?

No. It's that simple.

The VA has a list of "presumptive illnesses" – meaning the government has recognized that there is scientific evidence showing an association between those illnesses and the chemicals in the water – that includes adult leukemia, bladder cancer, kidney cancer, Parkinson's, and several others. This list is only for VA claims, though. The Camp Lejeune Justice Act and related lawsuits are *not* VA claims, so this list does not apply.

### **The bill specifically states the following about eligibility:**

*An individual, including a veteran (as defined in section 101 of title 38, United States Code), 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 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.*

Someone with a presumptive illness might have an easier time proving their case, but that doesn't mean others aren't eligible or that a link between the water and their illness can't be made.

### What are Offsets?

An offset is a deduction from a settlement or jury award of money the government has already spent on your illness. In the simplest terms, it's the way the government ensures it doesn't pay for anything twice.

#### **The exact language from the Camp Lejeune Justice Act is:**

*HEALTH AND DISABILITY BENEFITS RELATING TO WATER EXPOSURE.—Any award made to an individual, or legal representative of an individual, under this section shall be offset by the amount of any disability award, payment, or benefit provided to the individual, or legal representative—*

*(A)under—*

*(i) any program under the laws administered by the Secretary of Veterans Affairs;*

*(ii) the Medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.); or*

*(iii) the Medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.); and*

*(B) in connection with health care or a disability relating to exposure to the water at Camp Lejeune.*

This is only for payments related to Camp Lejeune. If you broke your leg in an accident and Medicare paid your hospital bill, that is not part of the offset. However, if the VA covered the cost of your Parkinson's medication and you're suing the government because the water caused that illness, for example, that money will be deducted from your settlement or jury award.

Our Camp Lejeune lawsuit attorneys can work to negotiate these offsets down to as little as possible. This is standard in all civil litigation and not unique to Camp Lejeune, too.

### What If I'm Not Sick?

You can request medical monitoring if you aren't sick but were exposed to unsafe water at Camp Lejeune. The Camp Lejeune Justice Act allows people who spent 30 days total at Camp Lejeune between 1953 and 1987 to seek justice for their illnesses.

Fortunately, not everyone who was stationed there became sick. While it is true that the latency period has passed, scientifically speaking, it does not mean the worry and fear have passed. Our firm plans to pursue a claim for medical monitoring for these individuals, which will include asking the government to pay for medical care such as scans and blood work to allow people to be vigilant about their health and detect any conditions as early as possible.

## I'm Signed Up – What Now?

An administrative claim with the Department of the Navy will be the most likely next step after you've signed up for legal action allowed through the Camp Lejeune Justice Act. The language of the Camp Lejeune Justice Act requires individuals affected by the water at Camp Lejeune to file a claim with the responsible governmental agency *first* before filing a lawsuit in federal court. In this particular case, that agency is the Department of the Navy.

### The language from the legislation reads:

*Disposition By Federal Agency Required.—An individual may not bring an action under this section before complying with section 2675 of title 28, United States Code.*

This is different from a VA claim, too. Even if you've already filed a VA claim, you still must file with the Department of the Navy. Your attorney will file your claim on your behalf, which essentially puts the government on notice. This claim requires only your legal name, birthday, date of death (if filing for a deceased individual), dates on the base, and a list of your medical conditions. Medical and military records are *not* required for this process. We will obtain all the info we need during intake.

Once the claim is submitted, the Department of the Navy must acknowledge receipt. From that date, it has six months to make a determination and respond. The Department of the Navy can approve your claim and offer a settlement, deny your claim, or ignore your claim. If they deny or ignore your claim, after six months, we can file a lawsuit in federal court.

## What Happens in a Camp Lejeune Lawsuit?

### Typically, a Camp Lejeune lawsuit will follow this order of procedures and steps:

1. **Complaint:** This is the document that initiates a lawsuit. You are the Plaintiff; the United States of America is the Defendant. In this document, the attorneys will provide the facts of your case and identify the causes of action (what the government did wrong). After the Complaint is filed, it is served on the Defendant.
2. **Answer:** Once the Defendant is served, they have a specified amount of time to file an Answer. The Answer allows the Defendant to respond to each allegation contained within the filed Complaint.
3. **Discovery:** The case then moves into what's known as the Discovery phase, where the parties request and exchange information. This might include military records, medical records, governmental agency reports and investigations, and other written and/or electronic materials. Discovery also includes the taking of deposition testimony of parties, lay persons, and expert witnesses.
4. **Motions:** Once Discovery is complete, deadlines are set for the parties to file Motions. This is where the parties can ask the judge to rule on a broad range of pretrial issues, such as evidentiary rulings to motions for dismissal. If the judge decides the case can move forward, we go on to the next step.
5. **Mediation:** Generally, the court will require the parties to participate in Mediation. This is where the Plaintiff and Defendant meet with a neutral third party to try to resolve the case.
6. **Trial:** Finally, if the case does not settle prior to the start of the trial, it moves to the courtroom: each side provides an opening statement, presents evidence and witnesses, and makes closing arguments before giving the case to the jury for determination.

## Where Will the Cases Be Heard?

Camp Lejeune lawsuits will be heard in North Carolina in the Eastern District of North Carolina's federal courts. Will you have to travel to North Carolina? Most likely not. If your case makes it to trial, then yes, you would have to appear in a North Carolina federal court. But keep in mind, less than 1% of cases make it to the courtroom. The vast majority reach some kind of settlement.

### **The Camp Lejeune Justice Act determines which courts will handle these cases as such:**

*In General.—An individual, including a veteran (as defined in section 101 of title 38, United States Code), 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 may bring an action in the United States District Court for Eastern District of North Carolina to obtain appropriate relief for harm that was caused by exposure to the water at Camp Lejeune.*

## Can I File for a Deceased Family Member?

Yes, you can file for a deceased family member—but you *must* be appointed as the personal representative, executor, executrix, or administrator of their estate.

An estate is a legal term for the entity created to control the assets and debts of a person after their death. A deceased person can't be named a plaintiff in a lawsuit, nor can they receive money in any type of settlement. The estate is the mechanism that allows the personal representative to file on their behalf. For example, a wrongful death lawsuit would list the plaintiff as "John Smith, personal representative for the Estate of Jane Smith." The laws vary by state and sometimes by county, so it might be best to contact your local probate court to learn the rules specific to where you live or even to contact a local probate attorney who can guide you through the process.

On our end to proceed with your case, we will need a Certificate of Appointment or Letter of Administration.

Once a case is over, any settlement check would be issued to the estate and distributed according to the terms of the will, or if there is no will, according to the laws of intestacy in your state.