

DECLARATION OF JAMES Z. FOSTER

I, James Z. Foster, declare as follows pursuant to 28 U.S.C. § 1746:

1. I am an attorney licensed in North Carolina (Bar No. 60197) and the owner of Foster Law LLC. I am counsel of record for Plaintiffs Charles Metcalfe, Larry Abrams, Tony Griffin, the Estate of Mark Kopp, the Estate of Timothy Coon, and Steven Janovitch (“Movants”) in the above-captioned actions, and my firm represents approximately 700 claimants in the Camp Lejeune water litigation. I submit this Declaration in support of Movants’ Motion for Leave to File Motion for Hearing Regarding Elective Option Determinations.
2. The facts stated here are within my personal knowledge. The emails described below were sent or received by me.
3. Both before and after filing the Motion for Hearing Regarding the Department of Justice’s Administration of Elective Option Determinations (the “Motion”), I have tried to resolve this dispute with counsel for the United States without involving the Court. The United States has declined every request and has not acknowledged most of them.
4. Before filing the Motion, I telephoned Megan Gaddy and Adam Bain of the Department of Justice to discuss the August 28, 2026 Elective Option determinations. I was unable to reach either of them, and to the best of my knowledge neither returned my call. On September 1, I sent Ms. Gaddy ten letters requesting reconsideration, with supporting records, and invited her to call my cell phone. On September 2, I wrote to Ms. Gaddy and Mr. Bain asking the United States to reconsider its position. The United States declined on September 2 and again on September 3. That correspondence is in the record as Exhibit G to the Memorandum in Support.
5. On September 21, 2026, I wrote to both Ms. Gaddy and Mr. Bain, asking whether the United States had any interest in trying to work the matter out before the Court ruled on the

Motion, noting that I had tried to call them, and providing my cell phone number. I have received no response to that email from anyone.

6. At 10:57 p.m. on September 21, I wrote to Mr. Bain and Jennifer E. Adams asking whether the United States would keep the Elective Option offers to Mr. Metcalfe, Mr. Abrams, Mr. Griffin, and the Estate of Mark Kopp open until the Court ruled on the Motion. On September 22, Ms. Gaddy responded: “No. DOJ is not willing to extend the deadline for accepting the offers.” That exchange is in the record as Exhibit 1 to the Memorandum in Support of Movants’ Emergency Motion.

7. On September 25, 2026, after accepting on behalf of Mr. Abrams, Mr. Metcalfe, and the Estate of Mark Kopp the offers to settle “consistent with the CLJA Elective Option” at the amounts the published guidance provides for their documented exposure, I asked Ms. Gaddy to provide the United States’ math explaining how its offer amounts were calculated. Her response restated the offer amounts and their expiration date and closed, “We hope this clarifies any confusion.” At 5:45 p.m. I asked again how the United States had arrived at its figures under the public guidance attached to its offer email. I have received no response. That exchange is in the record as Exhibit K to Movants’ Reply in Support of the Motion.

8. On September 29, 2026, at 6:20 p.m., I wrote to Ms. Gaddy and Mr. Bain asking whether they would meet with me confidentially that week to discuss the Motion and “see if we can resolve it without the Court’s further involvement,” and offered to make myself available at their convenience. As of the date of this Declaration, neither has responded. Mr. Bain has not personally responded to any of my emails or calls; every response from the United States has come from Ms. Gaddy.

9. Before filing the Motion, I also sought the guidance and permission of the Plaintiffs' Leadership Group ("PLG"). On September 2, 2026, I sent draft motions to Lead Counsel, Co-Lead Counsel, and Liaison Counsel and asked for the PLG's thoughts. I believed then, and believe now, that I had the PLG's permission to file the Motion.

10. Between September 4 and September 9, 2026, I received substantive revisions and comments on the Motion from multiple PLG attorneys, including Lead Counsel and Co-Lead Counsel and members of their firms. I incorporated every argument, revision and comment I received before filing.

11. On September 8, 2026, I informed the PLG attorneys reviewing the Motion, including Lead Counsel, in writing that I intended to file the Motion on the Master Docket because I believed it had the potential to affect other similarly situated plaintiffs, and I asked to be told if the PLG objected for any reason. No objection was received from any member of the PLG.

12. On September 9, 2026, Co-Lead Counsel confirmed in writing that she had no further edits. Another PLG attorney asked me to hold the filing so that he could conduct a final review, and I did.

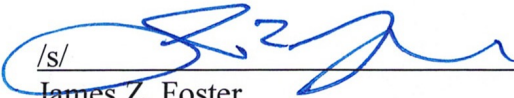
13. On September 10, 2026, I sent the final Motion, Memorandum of Law, and exhibits to Lead Counsel, Co-Lead Counsel, and Liaison Counsel, stated that the final version addressed all of the comments I had received, and asked that anyone with further edits or comments let me know as soon as possible, and that otherwise I would move forward with filing that afternoon.

14. No member of the PLG responded with an objection, an edit, or a request to hold. At approximately 3:38 p.m. on September 10, 2026, I filed the Motion and Memorandum in Support on the Master Docket. The Motion as filed incorporated the revisions and comments of Lead Counsel and Co-Lead Counsel. Although I did not recite the PLG's formal approval in the

filing, I believed, and still believe, that I had the PLG's permission to file the Motion based on the discussions and communications that preceded it. At no time before or after the filing has any member of the PLG told me that the filing was unauthorized or asked me to withdraw it. On September 21, 2026, Co-Lead Counsel confirmed to me in writing that, when asked by the Court, the PLG "indicated we did not oppose your filing them."

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on: September 30, 2026.


/s/
James Z. Foster