

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

No. 7:24-cv-00976-M-RN

CHARLES METCALFE,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

ORDER

This matter comes before the court on Charles Metcalfe's ("Metcalfe" or "Plaintiff") Motion for Hearing Regarding the Department of Justice's Administration of Elective Option Determination ("EO Motion") [DE 6] and Motion for Leave to File Motion for Hearing Regarding the Department of Justice's Elective Option Determinations, Memorandum of Law, and Reply in Support ("Motion for Leave") [DE 15]. The United States has filed a response in opposition. [DE 18]. Plaintiff has filed a reply. [DE 19]. As explained below, the Motion for Leave [DE 15] and EO Motion [DE 6] are denied.

Thus far, Plaintiff has filed four motions based on the same alleged facts which assert similar arguments and request similar relief. On September 10, 2026, Metcalfe and other plaintiffs filed a motion for hearing and other relief on the Camp Lejeune Justice Act ("CLJA") Master Docket ("Master EO Motion"). *See In re Camp Lejeune Litigation*, No. 7:23-cv-00897, [DE 913] (E.D.N.C Sept. 29, 2026). On September 15, Plaintiff "re-file[d]" the motion and memorandum on his individual docket. EO Mot. [DE 6] 1 n.1; Pl.'s EO Mem. [DE 7]. The same day, Plaintiff moved the court to expedite consideration of the EO Motion and for similar relief. Mot. to

Expedite [DE 8]; *see also* Def.'s Expedite Resp. [DE 10]; Pl.'s Expedite Reply [DE 11]. The court denied Plaintiff's Motion to Expedite because the court did not find good cause shown for Plaintiff to file the Motion to Expedite. *See* Order [DE 12] (entered Sept. 24, 2026). On September 23, Metcalfe and the other plaintiffs filed an emergency motion ("Emergency Motion") on the Master Docket requesting similar relief. *See In re Camp Lejeune Litigation*, Emergency Mot. [DE 919]. Magistrate Judge Jones denied without prejudice the Master EO Motion [DE 913] and Emergency Motion [DE 919] because Metcalfe and the other plaintiffs did not have leave of court for good cause shown or permission from the Plaintiffs' Leadership Group ("PLG") to file the motions. *See In re Camp Lejeune Litigation*, Order [DE 923] (entered Sept. 24, 2026). On September 27, Plaintiff moved for leave of court to file the EO motion [DE 6] and memorandum [DE 7] and deem them as filed September 15, 2026, grant leave to file a reply, and grant limited relief from the stay. *See* Mot. for Leave [DE 15] 6.

The court's Case Management Order No. 2 establishes the motion practice and procedure for Camp Lejeune Justice Act ("CLJA") actions in this district:

Motions raising global issues in the CLJA litigation may be filed by the PLG or counsel for Defendant in the Master Docket after counsel have met and conferred regarding the motion. No Plaintiff, including pro se Plaintiffs, will file motions or discovery in any CLJA action, except with permission from the PLG or leave of Court for good cause shown. Provided leave of Court or permission from the PLG is obtained, non-repetitive positions that uniquely affect an individual Plaintiff shall not be filed in the Master Docket but shall instead be filed in the Plaintiff's individual CLJA action.

In re Camp Lejeune Litigation, Case Management Order ("CMO") No. 2 [DE 23] 6 (emphasis added) (cleaned up) (Section VII). "Each individual Plaintiff's action shall maintain its own individual docket and remain assigned to a single Judge of this District. Each Judge assigned to

actions on an individual docket shall retain the inherent power to manage such actions, subject to determinations made on the Master Docket.” *Id.* at 3 (Section IV.B).

Plaintiff requests leave of court to file the EO Motion [DE 6], memorandum in support [DE 7], and a proposed reply Ex. C [DE 15-3]. *See* [DE 15]. Plaintiff contends there is good cause to file the EO motion because the EO presents “a non-repetitive position that uniquely affects this Plaintiff, among others.” [DE 15] 2. But Plaintiff contradicts himself by asserting “[p]rompt resolution of the [EO] Motion would settle, for all six, whether the determinations conformed to the guidance and the records in the government’s possession.” *Id.* at 6 (emphasis added). Plaintiff’s repetitive position(s) were rejected on the Master Docket. *See In re Camp Lejeune Litigation*, Order [DE 923].

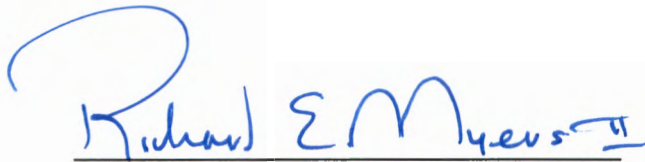
Plaintiff’s remaining arguments for good cause, to the extent it defines a non-repetitive position that uniquely affects him, relate to EO matters or the specter of bad faith. *See* [DE 15] 3–6; *see also* [DE 19] 3–5; *see generally* [DE 7].¹ The court has discussed the Elective Option (“EO”) in limited circumstances.² For the purposed of the Stipulated Protective Order, the court defined the EO as “the elective settlement options for certain Camp Lejeune Justice Act Claims established by the Department of Justice (‘DOJ’) and the Navy (‘DON’), and any implementing guidance or subsequent amendments thereto.” *In re Camp Lejeune Litigation*, Third Stip. Protective Order [DE 802] 6. The court explained “[n]othing in this Protective Order expands the Eastern District

¹ The court intentionally does not recite the allegations, documents, or communications related to the EO.

² The court draws a distinction between the court’s orders related to settlement, *see, e.g. In re Camp Lejeune Litigation*, Order [DE 251] (appointing the Settlement Masters pursuant to Federal Rules of Civil Procedure 16(a)(5), 16(c)(2)(H), and 53), and the EO. The court will not obscure that distinction by granting leave of court for Plaintiff to move this court to refer EO matters about select individuals to the Settlement Masters.

of North Carolina's jurisdiction over the Department of the Navy's Camp Lejeune Justice Act administrative claim process ('Administrative Claim Process'), including, but not limited to the EO process for the Navy's Camp Lejeune Justice Act Administrative Claims." *Id.* at 8. The court, in its discretion, does not find good cause for Plaintiff to file the EO Motion, the memorandum, or the proposed reply.³ Thus, Plaintiff's Motion for Leave [DE 15] is DENIED. Since Plaintiff does not have leave of court to file the EO Motion, Plaintiff's EO Motion [DE 6] is DENIED WITHOUT PREJUDICE.

SO ORDERED this 1st day of October, 2026.



RICHARD E. MYERS II
CHIEF UNITED STATES DISTRICT JUDGE

³ Plaintiff contends the PLG permitted the filing of the EO Motion. *See* [DE 19] 2–3 (citing declaration of counsel Foster Decl. [DE 19-1]). Plaintiff may submit a declaration from the PLG representing that the PLG gave “permission,” *In re Camp Lejeune Litigation*, CMO No. 2 [DE 23] 6, to Plaintiff to file the EO Motion in the Master Docket or Plaintiff’s individual docket. Alternatively, the PLG may file a notice.