

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

No. 7:23-CV-897

IN RE:

CAMP LEJEUNE WATER LITIGATION

This Document Relates to:

Charles Metcalfe, No. 7:24-cv-00976

Larry Abrams, No. 7:24-cv-00982

Tony Griffin, No. 7:24-cv-00973

Estate of Mark Kopp, No. 7:24-cv-00969

Estate of Timothy Coon, No. 7:24-cv-00978

Steven Janovitch, No. 7:24-cv-00919

**EMERGENCY MOTION FOR
INTERIM RELIEF STAYING
SEPTEMBER 27, 2026 DEADLINE TO
RESPOND TO ELECTIVE OPTION
OFFERS**

Movants Charles Metcalfe, Larry Abrams, Tony Griffin, the Estate of Mark Kopp, the Estate of Timothy Coon, and Steven Janovitch (collectively, “Movants”), pursuant to the Court’s inherent authority, Federal Rule of Civil Procedure 16, and Local Civil Rule 7.1, respectfully move on an emergency basis for an order staying the September 27, 2026 deadline to respond to the pending Elective Option (“EO”) offers extended to Movants Metcalfe, Abrams, Griffin, and the Estate of Kopp until after Movants’ Motion for Hearing Regarding the Department of Justice’s Administration of Elective Option Determinations [D.E. 913, 914] (the “Motion for Hearing”) is addressed at the next status conference, and for such other relief as the Court deems warranted.¹

In support, Movants show the Court as follows:

¹ Movants file this Motion on the Master Docket because (1) the issues raised by the Motion for Hearing affect other similarly situated plaintiffs, not only Movants; (2) after Movants attempted to proceed on their individual case dockets, the United States took the position that those dockets are stayed; (3) the Plaintiffs’ Leadership Group (“PLG”) has advised the Court that it does not oppose Movants’ filing of the Motion for Hearing; and (4) filing here ensures that Magistrate Judge Jones has notice of these developments in the event he is who addresses the Motion. To the extent leave is required to file this Motion on the Master Docket, Movants respectfully request leave of Court for good cause shown or, alternatively, a limited lift of the stay in their individual actions for the purpose of filing this Motion. *See* CMO 2 [D.E. 23].

1. Movants filed the Motion for Hearing on September 10, 2026. [D.E. 913, 914]. The United States' response is due on or about October 1, 2026. Local Civil Rule 7.1(f)(1).

2. The EO offer letters dated August 28, 2026 to Movants Metcalfe, Abrams, Griffin, and the Estate of Kopp give thirty days to respond and provide that an offer not accepted "is considered declined and another EO offer will not be made." That deadline is Sunday, September 27, 2026.

3. At the September 21, 2026 status conference, Magistrate Judge Jones indicated that he would take up the Motion for Hearing at the next status conference on October 9, 2026—twelve days after the offers expire.

4. The United States has refused to hold the offers open until the Court rules on the Motion for Hearing. Mem. Ex. 1.

5. Movants previously sought the same interim relief on their individual case dockets. That request has been fully briefed since September 17, 2026, and the briefing is attached to the accompanying Memorandum as Exhibits 2 through 4 and incorporated by reference. The United States specifically opposed the interim relief, Mem. Ex. 3 at 4 n.5, but did not dispute the facts on which the Motion for Hearing rests. The request is ripe for ruling.

6. Absent a stay, the Motion for Hearing will be moot as to four of the six Movants before it is heard. A stay lasting only until the next status conference preserves the status quo, does not alter the Court's schedule, and imposes no cognizable prejudice on the United States. Because the offers expire on Sunday, September 27, 2026, Movants respectfully request a ruling this week.²

² Movants' Motion to Expedite, filed on the individual case dockets, asked the Court to shorten the United States' time to respond to the Motion for Hearing and to hear it before September 27, 2026. With the offers set to expire in a matter of days, that schedule is no longer realistic. Movants have therefore limited the relief sought here to a stay of the acceptance deadline, which will keep the Motion for Hearing ripe for review, but only if the Court rules before the offers expire.

7. Pursuant to Local Civil Rule 7.1(b)(2), Movants state that the United States has advised that it will not extend the deadline and has opposed Movants' prior request for interim relief; Movants therefore understand that the United States opposes this Motion. The PLG has advised the Court that it does not oppose Movants' filing of the Motion for Hearing.

8. This Motion is supported by the accompanying Memorandum of Law and Exhibits 1 through 4, filed pursuant to Local Civil Rules 7.1(e) and 7.2. A proposed order is submitted herewith.

WHEREFORE, Movants respectfully request that the Court rule on this Motion before the offers expire on September 27, 2026, and:

1. Stay the September 27, 2026 deadline to respond to the EO offers extended to Movants Metcalfe, Abrams, Griffin, and the Estate of Kopp in the August 28, 2026 offer letters, and hold the acceptance period in abeyance, until after the Motion for Hearing is addressed at the next status conference;
2. Order that, while the stay remains in effect, no Movant shall be deemed to have declined an EO offer; and
3. Grant such other and further relief as the Court deems warranted.

Respectfully submitted, this the 23rd day of September, 2026.

/s/ James Z. Foster

James Z. Foster

NC Bar No. 60197

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Griffin, Kopp, Coon, and Janovitch*

CERTIFICATE OF SERVICE

I hereby certify that on this the 23rd day of September, 2026, I electronically filed the foregoing Emergency Motion for Interim Relief, together with the accompanying Memorandum of Law, Exhibits 1 through 4 thereto, and the proposed order with the Clerk of Court using the CM/ECF system, which will send notification of such filing to all counsel of record, including Lead Counsel, Co-Lead Counsel, and Liaison Counsel for the Plaintiffs' Leadership Group and counsel for the United States.

/s/ James Z. Foster _____

James Z. Foster
NC Bar No. 60197

*Counsel for Plaintiffs Metcalfe, Abrams,
Griffin, Kopp, Coon, and Janovitch*