



Camp Lejeune Water Suit

August 2022

On August 10th of this year, President Biden signed into law the **Honoring Our PACT Act of 2022** which granted broad relief to veterans suffering the effects of exposure to toxic chemicals from a range of sources including burn pits. This Act gives benefits to veterans suffering from a long list of illnesses which will now be presumptively considered to be caused by such exposure for veterans showing they were in regions where such toxins were present.

Also contained in the PACT Act, Section 804, was a provision entitled the **Camp Lejeune Justice Act of 2022** which will have a profound effect on veterans and their dependents who suffered ill effects caused by the contaminated water at Camp Lejeune. The threshold requirement is the individual had to be exposed to the water at Camp Lejeune for a period of not less than 30 days at any time between August 1, 1953 and December 31, 1987.

This unprecedented piece of legislation allows veterans and their dependents to directly sue the United States for damages caused by the contaminated water. Until this Act was passed, veterans could not sue the U.S. based on the Feres Doctrine which blocked any such suit from proceeding. The Act also waived the sovereign immunity of the United States for such suits and waives the applicable statutes of limitation. There is, however, a limited period of time when such a suit may be filed and requires all potential litigants to seek relief through an administrative claim process prior to filing the suit. All lawsuits must be filed in the U.S. Federal Court for the Eastern District of North Carolina within 180 days of a denial of the administrative claim or two years from the signing the Act, whichever is later.

1. This is not a claim against the Department of Veterans Affairs (VA), but a lawsuit against the U.S. government.
2. Claims against the VA are based on the rules set forth following the presumptive conditions for Camp Lejeune which is separate issue.
3. We have no idea how this may or may not affect benefits already received by the VA for said conditions.
4. Our office will continue to process and submit claims with the VA but not lawsuits against the U.S. Government.

As you have no doubt seen, this kicked off a feeding frenzy among personal injury lawyers trying to sign up what will be many thousands of clients. The best initial advice would be for potential claimants to be sure of the nature and competence of any law firm seeking to represent them and fully understand the impact of any retainer agreement the firm asks to be signed.

Medina County Veterans Service Office will be providing further insight and guidance as this process unfolds.

Medina County Veterans Service Commission

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Joint Press Release

National Association of County Veteran Service Officers and Ashcraft & Gerel LLP

The National Association of County Veteran Service Officers (NACVSO) and the law firm of Ashcraft & Gerel LLP have entered into a Memorandum of Agreement whereby Ashcraft & Gerel LLP has agreed to review, at no cost or obligation, any potential claims under the newly enacted Camp Lejeune Justice Act for clients of NACVSO's member Veteran Service Officers.

The mission of NACVSO is to provide education, training, certification, and support of its member Veteran Service Officers so veterans and their dependents nationwide can receive the benefits which they have deservedly earned. The Camp Lejeune Justice Act created an avenue whereby veterans and their dependents can seek compensation from illness and death caused by the toxic water the United States Government provided to Marines and their families for over thirty years.

Ashcraft & Gerel LLP will provide an objective review of the facts and circumstances of the individual case and provide a consultation with a firm attorney about the matter. The veteran or dependent has no obligation to the firm and is free to engage Ashcraft & Gerel LLP or any attorney of their own choosing should they decide to pursue a claim.

Since its founding in 1953, Ashcraft & Gerel LLP has established itself as one of the nation's leading personal injury and mass tort firms. The firm has developed a reputation of excellence in complex litigation and has recovered over \$1 billion for its clients. The firm has offices in Washington, D.C., Maryland, and Virginia and represents clients nationwide. The firm's attorneys have tried and argued appellate cases throughout the country before state and federal courts, including the Supreme Court of the United States. Numerous courts have appointed Ashcraft & Gerel to leadership positions in multi-district litigation (MDL) and the firm's attorneys are among a select group of attorneys who have tried to verdict numerous MDL cases. Examples of the firm's leadership appointments include serving as Co-Lead Counsel in *In re: Johnson & Johnson Talcum Powder Products Liability Litigation*, MDL No. 2738 (D.N.J.), which is one of the largest pending mass tort litigations in the country. The firm has significant experience working with experts to establish causation in drug and chemical exposure cases and is routinely contacted by other

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law firms to assist in complex cases involving cancer and other diseases. Ashcraft & Gerel has a long history of representing veterans and their families. Among other actions, the firm represented veterans in the *In re Agent Orange Products Liability Litigation* and engaged in extensive litigation against seven chemical companies and the federal government. Ashcraft & Gerel has a team of lawyers and paralegals focused on representing clients pursuing claims under the Camp Lejeune Justice Act.

For more information go to Ashcraft & Gerel LLP website at:
<https://www.ashcraftandgerel.com/veterans/>

Ashcraft & Gerel, 866-907-5016