

# AWH Toxic Tort News

Special Camp Lejeune Issue  
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*How could this happen? How could the United States simply turn their back on thousands of families that have sacrificed so much for the cause of our freedom?*

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## Preparing for the Battle Ahead

For years, the law firm of Anderson Weber & Henry, P.C. has served as a voice for untold numbers of individuals in need of an advocate because of tragic circumstances. A law firm's decision to take on a cause requires weeks, and sometimes months of analysis, discussions with costly experts, legal research and strategic planning. The request for us to take on the United States Government in the Camp Lejeune toxic water tragedy was no different. The loss suffered by so many is unimaginable but the cost of such high stakes litigation can be staggering. Why would we take on such odds?

Almost a year of discussion and analysis came to an end at an early morning meeting with a potential client. Our team was quiet as we passed around pictures depicting one little girl's battle with leukemia, which ended a few weeks after her 9<sup>th</sup> birthday. Her suffering was unnecessary; the result of her mother unknowingly drinking highly toxic water on base at Camp Lejeune while she was pregnant. What a few hours before seemed so complex suddenly became simple. "This is why," said one of the partners. Since that time, we have committed ourselves to finding answers, exposing the cover-up and preparing for a battle of a different kind.

## AWH Team Attends ATSDR Meetings

Members of the AWH team met in Atlanta on April 20, 2006 to attend the Agency for Toxic Substances and Disease Registry (ATSDR) meeting and to interview several leading experts in an effort to gather additional information related to the toxic exposure levels at Camp Lejeune. A consulting toxicologist also attended the meeting with the AWH team. During that meeting, the preliminary results of the water modeling was presented, which indicated that between the years 1968 and 1985, levels of TCE (tetrachloroethylene) in one part of the Camp Lejeune water system reached an average of 66 parts per billion (ppb) and a maximum of 177 ppb. [Note: The current Environmental Protection Agency (EPA) safety limit/action level for TCE in drinking water is 5 ppb. Though the 5 ppb standard was not in place during the 1968-1985 time period, it is worth noting that the levels reported here are 13-35 times greater than the EPA's safety limit for this carcinogen.]

The ATSDR and the Community Assistance Panel (CAP) plan to create an Internet tool that will allow persons who lived on the base to learn the level of contaminants they were exposed to based on their address at Camp Lejeune and their time of residency. Unfortunately, the implementation of this tool is likely another year or two away, at least.

## National Academy of Sciences Issues Report

Earlier this year, the National Academy of Sciences (NAS) committee released a report on the EPA's reassessment of TCE health risks. The report states that "the evidence on carcinogenic risk and other health hazards from exposure to trichloroethylene has strengthened since 2001." The background of this report is the EPA's attempt to issue a risk assessment in 2001 that found TCE to be 2- 40 times more carcinogenic than previously thought, but that action was opposed by the United States Department of Defense, the United States Department of Energy and the National Aeronautics and Space Administration (NASA). The Bush Administration sent the matter to the National Research Council for study, based on military assertions that the EPA had overblown the risks.

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*"It is a World Trade Center in slow motion. You would never notice it."*

*-- Boston University epidemiologist David Ozonoff, a TCE expert, on the thousands of birth defects and cancer caused by TCE exposure.*

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## Important Updates

### World's Leading TCE Experts Consulted

The Anderson Weber & Henry team has spent several months assembling the world's leading experts in water contamination in preparation for the litigation ahead.

### New Resource Available

A new Internet resource called Form95Help.com has been designed to offer victims of the water contamination at Camp Lejeune information and assistance with filing a claim for injury, death or potential future illnesses that may have been caused by exposure to toxic water. This website can be found at [www.form95help.com](http://www.form95help.com).



*Anyone exposed to the toxic water at Camp Lejeune, regardless of military status or place of residency, has the right to file a claim.*

## Who Can File a Claim?

***Anyone who may have been exposed to the toxic water at Camp Lejeune before 1986 should file a claim (Form 95) to protect his or her interests. Claimants do not have to be members of the Armed Forces and did not have to reside on the base.***

You can also file a claim on behalf of a deceased relative who had an illness associated with the contaminated water of Camp Lejeune.

Your claim must be filed under the Federal Tort Claims Act (FTCA) if you intend on seeking monetary damages. The first step is to complete and file a properly completed [Form 95](#) claim. Form 95 claims are routinely denied for various technicalities so it is extremely important that your claim be reviewed by an experienced and knowledgeable attorney. This review can take place even if you have already filed a claim. An attorney can advise you if any amendments need to be made. Failure to file a [Form 95](#) in a timely manner will bar you from seeking damages against the United States Military. If you have specific questions about filing a Form 95, please call Anderson Weber & Henry toll free at 1-866-993-7958.

## Form 95s: Navigating the Landmines



Form 95 claims are routinely denied on small technical grounds so it is extremely important that your claim be reviewed by an attorney prior to filing.

If you decide to consult with an attorney, he or she should be extremely familiar with the technicalities and evolving case law surrounding the Form 95. Important information and necessary supporting documentation will vary with each individual claimant.

You should have your Form 95 reviewed even if you have already filed it to determine if any amendments need to be made or if supporting documents are needed.

Federal Tort Claims Act cases, like the water contamination cases at Camp Lejeune, must be filed in a timely manner. However, even if you think your claim may be time-barred, you should have it reviewed by an attorney in order to make that determination and to determine if there are any potential exceptions in your case.

If you would like to have a free, no obligation review of your claim by a trained legal professional, go to [www.form95help.com](http://www.form95help.com) and click on Form 95 Help.

## Is a Lawyer Necessary?



The decision to retain legal representation in any dispute is a personal one. The choice will often depend on the complexity of the litigation, the cost of pursuing a claim and how important a particular matter is to you personally.

Toxic tort litigation involves complex legal and scientific issues. The cost of pursuing an action of this type prohibits many people from filing a claim. Therefore, many plaintiffs find it advantageous to retain legal counsel who will advance the funds necessary to pay the case expenses. Additionally, clients that have similar claims can share common costs, reducing the expense for each plaintiff. For these and other reasons, we strongly encourage anyone with a potential claim to consider legal representation.

Anderson Weber & Henry welcomes your questions about the value of legal representation. We are glad to provide a free review of your situation in order to help you make an informed decision. Call us toll free at **1-866-993-7958** to speak with a legal professional about your possible claim.



**ANDERSON WEBER & HENRY, P.C.**  
*Trial Lawyers*

**Anderson Weber & Henry, P.C.** specializes in complex litigation involving catastrophic injuries and wrongful death in the following practice areas:

- Toxic Torts
- Nursing Home Litigation
- Aviation Disasters
- Medical Malpractice
- Tractor Trailer Collisions

We invite you to visit our website, [www.awhlawfirm.com](http://www.awhlawfirm.com) to learn more about our firm and the strengths and skills that make us different. If you would like more information about your rights related to the Camp Lejeune water contamination, please call us toll free at [1-866-993-7958](tel:1-866-993-7958). It would be our privilege to discuss your particular situation by phone or in person.

**Compassion. Commitment. Justice.**

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