

Amy Eddy, Asbestos Claims Court Judge
Department No. 1
Flathead County Justice Center
920 South Main Street, Suite 310
Kalispell, Montana 59901
(406) 758-5906

IN THE SUPREME COURT OF THE STATE OF MONTANA

<p>IN RE ASBESTOS LITIGATION, <i>Consolidated Cases.</i></p>	<p>Cause No. AC 17-0694 ORDER SETTING INITIAL CONFERENCE THIS DOCUMENT RELATES TO ALL CASES</p>
---	--

These consolidated cases are hereby set for an Initial Conference on Wednesday, **January 31, 2018, at 9:00 a.m.**, at the Montana State Capitol, Room 303.

- I. **APPLICABILITY:** Prior to entry of a comprehensive scheduling order governing all further proceedings in this case, the provisions of this *Order* shall govern the practice and procedure of the following individual actions:
- A. Those that were specifically identified and consolidated before this Court by the *Order Establishing the Asbestos Claims Court and Consolidating Cases*, filed November 29, 2017;
 - B. All subsequent cases for which a *Notice of Appearance* was filed pursuant to the *Order Establishing the Asbestos Claims Court and Consolidating Cases*, filed November 29, 2017; and
 - C. All asbestos related “tag-along” actions that are later filed in, remanded to, or transferred to this Court.
- II. **AGENDA FOR INITIAL CONFERENCE:** Matters relating to pretrial and discovery proceedings in these cases will be addressed at the Initial Conference. Counsel are expected to familiarize themselves with the *Manual for Complex Litigation, Fourth* (MCL) and be prepared at the conference to suggest procedures that will facilitate the expeditious, economical and just resolution of these cases. The following items will constitute a tentative agenda:
- A. Identification of lead counsel;
 - B. Maintenance of master file identifying consolidated cases;
 - C. Establish initial service list of counsel;

- D. Proposed prioritization of cases based on injury severity;
- E. Suggestions for joint document depositories;
- F. Identification of individual test cases, or flights of Plaintiffs;
- G. Proposed discovery plan, including initial disclosures, deposition deadlines, standardized discovery forms, discovery deadlines, and expert disclosure deadlines. The Court would anticipate the first of the priority cases or flights going to trial in **September of 2018**, and counsel should plan accordingly.

The parties are directed to confer and seek consensus to the extent possible with respect to items on the agenda. Any additional suggestions on topics to be added to the agenda must be filed with the Court by **Friday, January 26, 2018**.

- III. POSITION STATEMENT: Prior to **Friday, January 26, 2018**, the Plaintiffs (collectively) and the Defendants (collectively) must submit to the Court a brief written statement, not to exceed 5,000 words, indicating their preliminary understanding of the facts involved in the litigation, the critical factual and legal issues, pending motions, and any related litigation. These Position Statements must be sent to lead counsel for the respective parties, but will not be filed with the Clerk, will not be binding, will not waive claims or defenses, and may not be offered into evidence against a party in a later proceeding. These Position Statements should be submitted to:

Amy Eddy, Asbestos Claims Court Judge
Flathead County Justice Center
920 South Main
Kalispell, MT 59901

- IV. APPEARANCE: Each party represented by counsel shall appear at the Initial Conference though the attorney who will have primary responsibility for the party's interest in the litigation. Parties not represented by counsel may appear in person. To minimize costs and facilitate a manageable conference, parties with similar interests may agree, to the extent practical, to have one attorney represent their interests for purposes of the Initial Conference only.
- V. SERVICE: Counsel shall take steps to be registered electronic filers as soon as practical, but no later than 10 days after making a *Notice of Appearance*, so that effective and efficient electronic service can be accomplished.
- VI. EXTENSION AND STAY: Plaintiffs may continue to file asbestos-related cases in appropriate state district courts to preserve the statute of limitations. When such cases are filed, a Notice of Appearance must also be filed in this Court, pursuant to the *Order Establishing the Asbestos Claims Court and Consolidating Cases*, filed November 29, 2017. While Plaintiffs may proceed with timely service of process, the Defendants are granted an extension of time to file Answers to such Complaints until further order of this

Court. All proceedings in state district courts are STAYED pending further order of this Court.

- VII. PRESERVATION OF EVIDENCE: All parties and their counsel are reminded of their duty to preserve evidence that may be relevant to this action.
- VIII. FILING OF DISCOVERY: Discovery requests and responses are not to be filed with the Clerk or sent to the Judge's Chambers absent a specific order to do so.
- IX. MOTIONS: Motions under Rule 11 and Rule 56 are prohibited without leave of Court.
- X. REGULARLY SCHEDULED HEARINGS: The Court intends to set conferences at regular intervals to address matters as they arise. Those conferences will be conducted in either Helena or Kalispell, and counsel are permitted to attend via videoconference.

DATED this 9th day of January, 2018.

/s/ Amy Eddy

Amy Eddy, Asbestos Claims Court Judge

CERTIFICATE OF SERVICE

I, Amy Poehling Eddy, hereby certify that I have served true and accurate copies of the foregoing Other - Other to the following on 01-09-2018:

Roger M. Sullivan (Attorney)

345 1st Avenue E

MT

Kalispell MT 59901

Representing: Barnes, et al, Adams, et al, Clairmont et al, Mary A. Robertson

Service Method: eService

Allan M. McGarvey (Attorney)

345 1st Avenue East

Kalispell MT 59901

Representing: Barnes, et al, Adams, et al, Clairmont et al, Mary A. Robertson

Service Method: eService

John F. Lacey (Attorney)

345 1st Avenue East

Kalispell MT 59901

Representing: Barnes, et al, Adams, et al, Clairmont et al, Mary A. Robertson

Service Method: eService

Ethan Aubrey Welder (Attorney)

345 1st Avenue East

Kalispell MT 59901

Representing: Barnes, et al, Adams, et al, Clairmont et al, Mary A. Robertson

Service Method: eService

Dustin Alan Richard Leftridge (Attorney)

345 First Avenue East

Montana

Kalispell MT 59901

Representing: Barnes, et al, Adams, et al, Clairmont et al, Mary A. Robertson

Service Method: eService

Harlan B. Krogh (Attorney)

2708 1st Avenue North

Suite 300

Billings MT 59101

Representing: ITT LLC, et al
Service Method: eService

Jeffrey R. Kuchel (Attorney)
305 South 4th Street East
Suite 100
Missoula MT 59801
Representing: Accel Performance Group LLC, et al, MW Customs Papers, LLC
Service Method: eService

Danielle A.R. Coffman (Attorney)
1667 Whitefish Stage Rd
Kalispell MT 59901
Representing: Accel Performance Group LLC, et al, MW Customs Papers, LLC
Service Method: eService

Robert J. Sewell (Attorney)
PO Box 1691
Helena MT 59624
Representing: Momentive Specialty Chemicals aka Borden, Inc.
Service Method: eService

Elizabeth M. Sorenson Brotten (Attorney)
901 Marquette Avenue South
1300 AT&T Tower
Minneapolis MN 55402
Representing: McMaster-Carr Supply Company
Service Method: eService

Gary M. Zadick (Attorney)
P.O. Box 1746
#2 Railroad Square, Suite B
Great Falls MT 59403
Representing: Honeywell International
Service Method: eService

Kathryn Kohn Troidahl (Attorney)
PO Box 390074
Minneapolis MN 55439
Representing: Heather M Haney
Service Method: eService

Jon Mark Moyers (Attorney)
490 N. 31st Street
Suite 101
Billings MT 59101
Representing: Heather M Haney
Service Method: eService

Gerry P. Fagan (Attorney)
27 North 27th Street, Suite 1900
P O Box 2559
Billings MT 59103-2559
Representing: CNH Industrial America LLC
Service Method: eService

Thomas C. Bancroft (Attorney)
2619 St. Johns Ave., Suite E
Billings MT 59102
Representing: Arrowood Indemnity Company
Service Method: eService

G. Patrick HagEstad (Attorney)
PO Box 4947
Missoula MT 59806
Representing: Crane Co., Riley Stoker Corporation et al, United Conveyor Corporation, Riley Stoker Corporation et al
Service Method: eService

Rachel Hendershot Parkin (Attorney)
PO Box 4947
Missoula MT 59806
Representing: Crane Co.
Service Method: eService

Kirk D. Evenson (Attorney)
Marra, Evenson & Bell, P.C.
P.O. Box 1525
Great Falls MT 59403
Representing: CBS Corporation
Service Method: eService

Mark Andrew Thieszen (Attorney)
Poore Roth & Robinson, P.C.
1341 Harrison Ave
Butte MT 59701
Representing: The William Powell Company, Atlantic Richfield Company, et al
Service Method: eService

Patrick M. Sullivan (Attorney)
1341 Harrison Ave
Butte MT 59701
Representing: The William Powell Company, Atlantic Richfield Company, et al
Service Method: eService

Mark S. Williams (Attorney)
235 East Pine
PO BOX 9440

Missoula MT 59807-9440
Representing: Moodie Implement Company, Eaton Corporation
Service Method: eService

Peter Babbel Ivins (Attorney)
PO Box 9440
235 E. Pine St.
Missoula MT 59807
Representing: Moodie Implement Company, Eaton Corporation
Service Method: eService

Jennifer Marie Studebaker (Attorney)
210 East Capitol Street
Suite 2200
Jackson MS 39201
Representing: Goulds Pump LLC, Grinnell Corporation, ITT LLC, et al, International Paper Co.,
International Paper Co.
Service Method: eService

Joshua Alexander Leggett (Attorney)
210 East Capitol Street, Suite 2200
Jackson MS 39201-2375
Representing: Goulds Pump LLC, Grinnell Corporation, ITT LLC, et al, International Paper Co.,
International Paper Co.
Service Method: eService

Vernon M. McFarland (Attorney)
200 South Lamar Street, Suite 100
Jackson MS 39201-4099
Representing: Goulds Pump LLC, Grinnell Corporation, ITT LLC, et al, International Paper Co.,
International Paper Co.
Service Method: eService

Jean Elizabeth Faure (Attorney)
P.O. Box 2466
1314 Central Avenue
Great Falls MT 59403
Representing: Goulds Pump LLC, Grinnell Corporation, ITT LLC, et al, Borg Warner Morse Tec
LLC, International Paper Co., International Paper Co.
Service Method: eService

Jason Trinity Holden (Attorney)
1314 CENTRAL AVE
P.O. BOX 2466
Montana
GREAT FALLS MT 59403
Representing: Goulds Pump LLC, Grinnell Corporation, ITT LLC, et al, Borg Warner Morse Tec
LLC, International Paper Co., International Paper Co.
Service Method: eService

Elizabeth L. Hausbeck (Attorney)
Garlington, Lohn & Robinson, PLLP
P.O. Box 7909
Missoula MT 59807
Representing: Mack Trucks, Inc., PACCAR, Inc., Deere & Company, Navistar, Inc., Bestwall LLC
f/k/a Georgia-Pacific LLC, Bestwall LLC f/k/a Georgia-Pacific LLC, Bestwall LLC f/k/a Georgia-
Pacific LLC
Service Method: eService

Justin K. Cole (Attorney)
Garlington, Lohn & Robinson, PLLP
P.O. Box 7909
Missoula MT 59807
Representing: Mack Trucks, Inc., PACCAR, Inc., Deere & Company, Navistar, Inc., Bestwall LLC
f/k/a Georgia-Pacific LLC, Bestwall LLC f/k/a Georgia-Pacific LLC, Bestwall LLC f/k/a Georgia-
Pacific LLC
Service Method: eService

Leah Tracy Handelman (Attorney)
Garlington, Lohn & Robinson, PLLP
P.O. Box 7909
Missoula MT 59807
Representing: Mack Trucks, Inc., PACCAR, Inc., Deere & Company, Navistar, Inc., Bestwall LLC
f/k/a Georgia-Pacific LLC, Bestwall LLC f/k/a Georgia-Pacific LLC, Bestwall LLC f/k/a Georgia-
Pacific LLC
Service Method: eService

Chad E. Adams (Attorney)
PO Box 1697
Helena MT 59624
Representing: Union Pacific Railroad Company, Soo Line Railroad Company, Weir Valves & Controls
USA, Cyprus Amex Minerals Company, Fischbach and Moore, Inc. et al, American Honda Motor Co.,
Inc., Harder Mechanical Contractors, American Honda Motor Co., Inc., Nissan North American Inc.
Service Method: eService

J. Daniel Hoven (Attorney)
P.O. Box 1697
800 N. Last Chance Gulch, Ste. 101
Helena MT 59624
Representing: Union Pacific Railroad Company, Soo Line Railroad Company
Service Method: eService

W. Scott Mitchell (Attorney)
P.O. Box 639
401 N. 31st Street
Suite 1500
Billings MT 59101
Representing: Pfizer, Inc.

Service Method: eService

Brianne McClafferty (Attorney)
401 North 31st Street, Suite 1500
P. O. Box 639
Billings MT 59103-0639
Representing: Pfizer, Inc.
Service Method: eService

Steven Robert Milch (Attorney)
P.O. Box 2529
Billings MT 59101
Representing: Farm Equipment Sales, Inc.
Service Method: eService

Katie Rose Ranta (Attorney)
Faure Holden, Attorneys at Law, P.C.
1314 Central Avenue
P.O. Box 2466
GREAT FALLS MT 59403
Representing: Borg Warner Morse Tec LLC
Service Method: eService

Ryan T. Heuwinkel (Attorney)
283 W Front St, Suite 201
PO Box 7729
Missoula MT 59807
Representing: New Holland North America, Inc.
Service Method: eService

John Eric Bohyer (Attorney)
283 W Front, Suite 201
PO Box 7729
Missoula MT 59807
Representing: New Holland North America, Inc.
Service Method: eService

John Patrick Davis (Attorney)
1341 Harrison Avenue
Butte MT 59701
Representing: Atlantic Richfield Company, et al
Service Method: eService

Stephen Dolan Bell (Attorney)
Dorsey & Whitney LLP
125 Bank Street
Suite 600
Missoula MT 59802
Representing: Ford Motor Company

Service Method: eService

Peter L. Helland (Attorney)
311 Klein Avenue, Suite A
P.O. Box 512
Glasgow MT 59230
Representing: Ford Motor Company
Service Method: eService

Kelly Gallinger (Attorney)
315 North 24th Street
Billings MT 59101
Representing: Maryland Casualty Corporation
Service Method: eService

Richard Allan Payne (Attorney)
44 West 6th Ave, Suite 200
P.O. Box 1185
Helena MT 59624
Representing: The Goodyear Tire & Rubber Company
Service Method: eService

Jack G. Connors (Attorney)
P.O. Box 1185
Helena MT 59624
Representing: The Goodyear Tire & Rubber Company
Service Method: eService

Mark Smith (Attorney)
44 W. 6th Ave.
Suite 200
Helena MT 59624
Representing: The Goodyear Tire & Rubber Company
Service Method: eService

Susan G. Ridgeway (Attorney)
125 Bank Street
Suite 403
Missoula MT 59802
Representing: Genuine Parts Company
Service Method: eService

Jill Melissa Gerdrum (Attorney)
125 Bank Street
Millennium Building, Suite 403
Missoula MT 59802
Representing: Genuine Parts Company
Service Method: eService

T. Thomas Singer (Attorney)
Axilon Law Group, PLLC
PO Box 987
Billings MT 59103-0987
Representing: Genuine Parts Company, Toyota Motor Sales, U.S.A., Inc.
Service Method: eService

Charles J. Seifert (Attorney)
P.O. Box 598
Helena MT 59624
Representing: Ford Motor Company, Maryland Casualty Corporation, Tilleman Motors and Zerbe Brothers
Service Method: eService

Chad M. Knight (Attorney)
929 Pearl Street
Ste. 350
Boulder CO 80302
Representing: BNSF Railway Company
Service Method: eService

Anthony Michael Nicastro (Attorney)
401 North 31st Street
Suite 770
Billings MT 59101
Representing: BNSF Railway Company
Service Method: eService

Nadia Hafeez Patrick (Attorney)
929 Pearl Street Suite 350
Boulder CO 80302
Representing: BNSF Railway Company
Service Method: eService

Robert J. Phillips (Attorney)
Garlington, Lohn & Robinson, PLLP
P.O. Box 7909
Missoula MT 59807
Representing: BNSF Railway Company, Grefco Inc. et al
Service Method: eService

Emma Laughlin Mediak (Attorney)
Garlington, Lohn & Robinson, PLLP
P.O. Box 7909
Missoula MT 59807
Representing: BNSF Railway Company
Service Method: eService

Daniel Jordan Auerbach (Attorney)

201 West Railroad St., Suite 300
Missoula MT 59802
Representing: Weir Valves & Controls USA, Cyprus Amex Minerals Company
Service Method: eService

Leo Sean Ward (Attorney)
PO Box 1697
Helena MT 59624
Representing: Weir Valves & Controls USA, Cyprus Amex Minerals Company, Fischbach and Moore, Inc. et al, American Honda Motor Co., Inc., Harder Mechanical Contractors, American Honda Motor Co., Inc., Nissan North American Inc.
Service Method: eService

Robert B. Pfennigs (Attorney)
P.O. Box 2269
Great Falls MT 59403
Representing: Stimson Lumber Company, Zurn Industries, Inc., Mazda Motor of America, Inc.
Service Method: eService

Rick A. Regh (Attorney)
P.O. Box 2269
GREAT FALLS MT 59403
Representing: Stimson Lumber Company, Zurn Industries, Inc., Mazda Motor of America, Inc.
Service Method: eService

Mark Trevor Wilson (Attorney)
300 Central Ave.
7th Floor
P.O. Box 2269
Great Falls MT 59403
Representing: Stimson Lumber Company, Zurn Industries, Inc., Mazda Motor of America, Inc.
Service Method: eService

Ryan Lorenz (Attorney)
P.O. Box 598
Helena MT 59624
Representing: Maryland Casualty Corporation, Tilleman Motors and Zerbe Brothers
Service Method: eService

Robert M. Murdo (Attorney)
203 North Ewing
Helena MT 59601
Representing: Mine Safety Appliance Company LLC
Service Method: eService

Murry Warhank (Attorney)
203 North Ewing Street
Helena MT 59601
Representing: Mine Safety Appliance Company LLC

Service Method: eService

Ben A. Snipes (Attorney)
Kovacich Snipes, PC
P.O. Box 2325
Great Falls MT 59403
Representing: Backen et al
Service Method: eService

Mark M. Kovacich (Attorney)
Kovacich Snipes, PC
P.O. Box 2325
Great Falls MT 59403
Representing: Backen et al
Service Method: eService

Ross Thomas Johnson (Attorney)
P.O. Box 2325
Great Falls MT 59403
Representing: Backen et al
Service Method: eService

Randy J. Cox (Attorney)
P. O. Box 9199
Missoula MT 59807
Representing: A.W. Chesterson Company, Volkswagen of America, Inc.
Service Method: eService

M. Covey Morris (Attorney)
Tabor Center
1200 Seventeenth St., Ste. 1900
Denver CO 80202
Representing: FMC Corporation
Service Method: eService

Robert J. Sullivan (Attorney)
PO Box 9199
Missoula MT 59807
Representing: Ingersoll-Rand, Co.
Service Method: eService

Dale R. Cockrell (Attorney)
145 Commons Loop, Suite 200
P.O. Box 7370
Kalispell MT 59904
Representing: State of Montana
Service Method: eService

Vaughn A. Crawford (Attorney)

SNELL & WILMER, L.L.P.
400 East Van Buren
Suite 1900
Phoenix AZ 85004
Representing: The Proctor & Gamble Company et al
Service Method: eService

Bob Fain (Attorney)
2060 Overland Ave.
Suite D
P.O. Box 80886
Billings MT 59108-0886
Representing: Gomez et al
Service Method: eService

Ronald L. Hellbusch (Attorney)
1700 Lincoln Street
Suite 4000
Denver CO 80203
Representing: AGCO Corporation et al
Service Method: eService

Rexford L. Palmer (Attorney)
301 W Spruce
Missoula MT 59802
Representing: Alexander et al
Service Method: eService

Michael Crill (Other)
PO Box 145
Rimrock AZ 86335
Service Method: Conventional

Jon L. Heberling (Attorney)
345 First Avenue East
Kalispell MT 59901
Representing: Barnes, et al, Adams, et al, Clairmont et al, Mary A. Robertson
Service Method: Conventional

Steven Scott Schulte (Attorney)
3232 McKinney Ave.
Dallas TX 75204
Representing: Heather M Haney
Service Method: Conventional

Michael D. Plachy (Attorney)
1200 17th Street
Denver CO 80202
Representing: Honeywell International

Service Method: Conventional

Conor A. Flanigan (Attorney)
1200 17th Street
Denver CO 80202
Representing: Honeywell International
Service Method: Conventional

Joe C. Maynard (Attorney)
490 N. 31st St., Ste. 500
P.O. Box 2529
Billings MT 59103-2529
Representing: Farm Equipment Sales, Inc.
Service Method: Conventional

Dan R. Larsen (Attorney)
136 South Main, Suite 1000
Salt Lake City UT 84101
Representing: Ford Motor Company
Service Method: Conventional

Robert L. Nowels (Attorney)
350 Ryman St.
P.O. Box 7909
Missoula MT 59807
Representing: Grefco Inc. et al
Service Method: Conventional

Zachary Aaron Franz (Attorney)
201 W. Main, Ste. 300
P.O. Box 9199
Missoula MT 59807-9199
Representing: A.W. Chesterson Company
Service Method: Conventional

Thomas J. Leonard (Attorney)
201 W. Main, Ste. 300
P.O. Box 9199
Missoula MT 59807-9199
Representing: Volkswagen of America, Inc.
Service Method: Conventional

Tracy H. Fowler (Attorney)
15 West South Temple, Ste. 1200
Salt Lake City UT 84101
Representing: The Proctor & Gamble Company et al
Service Method: Conventional

Leslie Ann Budewitz (Attorney)

PO Box 1001
Bigfork MT 59911
Representing: AGCO Corporation et al
Service Method: Conventional

Electronically Signed By: Amy Poehling Eddy
Dated: 01-09-2018