

Kelly J. C. Gallinger
BROWN LAW FIRM, P.C.
315 North 24th Street
P.O. Box 849
Billings, MT 59103-0849
Tel: (406) 248-2611
Fax: (406) 248-3128
kgallinger@brownfirm.com
Attorney for Defendant Maryland Casualty Company

IN THE SUPREME COURT OF THE STATE OF MONTANA

IN RE ASBESTOS LITIGATION,	)	Cause No. AC 17-0694
	)	Cause No. DV-14-225
<i>Consolidated Cases.</i>	)	Judge Michael Moses
	)	

NOTICE OF DECONSOLIDATION

COMES NOW Plaintiff BNSF Railway, Defendant Zurich American Insurance Company as successor by merger to Maryland Casualty Company, Defendant Continental Casualty Company and Defendant Arrowood Indemnity Company, by and through their counsel of record, and hereby files this joint Notice of Deconsolidation in the action styled: *BNSF Railway Company v. Arrowood Indemnity Company, Maryland Casualty Company and Continental Casualty Company*, DV 14-0225, Yellowstone County, Montana.

The below-signed parties certify this action is not subject to the jurisdiction of the Asbestos Claims Court as it is a declaratory judgment action seeking a determination of the parties' rights, duties, and obligations pursuant to various policies of insurance. The Asbestos Claims Court has made clear that it will not accept jurisdiction of any action to "determine the existence or extent of insurance coverage." and any such action shall be deconsolidated from the Asbestos Claims Court. (See February 6, 2018 Order, section I, paragraph 2). Accordingly, the below-signed parties file

this Notice of Deconsolidation pursuant to the February 6, 2018 Order entered by the Asbestos Claims Court.

DATED this 13 day of February, 2018.

GARLINGTON, LOHN & ROBINSON, P.C.

BY

Robert Phillips
Robert Phillips

Attorney for BNSF Railway

DATED this 13th day of February, 2018.

BROWN LAW FIRM, P.C.

BY

Kelly J. C. Gallinger
Kelly J. C. Gallinger

*Attorney for Zurich American Insurance
Company successor by merger to Maryland
Casualty Company*

DATED this 13th day of February, 2018.

DAVIS, HATLEY, HAFFEMAN & TIGHE, P.C.

BY

Maxon R. Davis
Maxon R. Davis

Attorney for Continental Casualty Company

DATED this 13th day of February, 2018.

NELSON LAW FIRM, P.C.

BY

Thomas Bancroft
Thomas Bancroft

Attorney for Arrowood Indemnity Company

CERTIFICATE OF SERVICE

I, Kelly Gallinger, hereby certify that I have served true and accurate copies of the foregoing Notice - Other to the following on 02-13-2018:

Amy Poehling Eddy (Attorney)
920 South Main
Kalispell MT 59901
Representing: Amy Eddy
Service Method: eService

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, Day, et al
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, Day, et al
Service Method: eService

Jon L. Heberling (Attorney)
345 First Ave E
Kalispell MT 59901
Representing: Barnes, et al, Adams, et al, Clairmont et al, Mary A. Robertson, Day, et al
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, Day, et al
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, Day, et al
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, Day, 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)

250 Marquette Avenue

Suite 1200

Minneapolis MN 55401

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

Steven Scott Schulte (Attorney)
3232 McKinney Ave
STE 610
Dallas TX 75204
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, Arrowood Indemnity Company, 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, Hennessy Industries, Inc.
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

Joe C. Maynard (Attorney)
PO Box 2529
Billings MT 59103
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

Dan R. Larsen (Attorney)
Dorsey & Whitney LLP
111 South Main
Suite 2100
Salt Lake City UT 84111
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

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

Robert L. Nowels (Attorney)
P.O. Box 7909
Missoula MT 59807
Representing: Grefco Inc. et al
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

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, Sue Kukus, et al
Service Method: eService

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

Ross Thomas Johnson (Attorney)
P.O. Box 2325
Great Falls MT 59403
Representing: Backen et al, Sue Kukus, 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

Zachary Aaron Franz (Attorney)
201 W. Main St.
Suite 300
Missoula MT 59802
Representing: A.W. Chesterson Company
Service Method: eService

Thomas J. Leonard (Attorney)
Boone Karlberg P.C.
P. O. Box 9199
Missoula MT 59807
Representing: 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, 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

Tracy H. Fowler (Attorney)
15 West South Temple
Suite 1200
South Jordan UT 84101
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

Leslie Ann Budewitz (Attorney)
P.O. Box 1001
Bigfork MT 59911
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

Jon P. Parrington (Attorney)
6600 France Avenue South
Suite 680
Minneapolis MN 554351814
Representing: Hennessy Industries, Inc.
Service Method: eService

Martin S. King (Attorney)
321 West Broadway, Suite 300
P.O. Box 4747
Missoula MT 59806
Representing: Foster Wheeler Energy Services, Inc., Foster Wheeler Energy Services, Inc.
Service Method: eService

Maxon R. Davis (Attorney)
P.O. Box 2103
Great Falls MT 59403
Representing: Continental Casualty Company
Service Method: eService

Geoffrey R. Keller (Attorney)
PO Box 1098

Billings MT 59103
Representing: ABCO Supply Inc.
Service Method: eService

Tom L. Lewis (Attorney)
2715 Park Garden Lane
Great Falls MT 59404
Representing: Harold N. Samples
Service Method: eService

Fredric A. Bremseth (Attorney)
601 Carlson Parkway
Suite 601
Minnetonka MN 55305
Representing: Brent Wetsch
Service Method: eService

Keith Edward Ekstrom (Attorney)
601 Carlson Parkway #995
Minnetonka MN 55305
Representing: Brent Wetsch
Service Method: eService

William Rossbach (Attorney)
401 N. Washington
P. O. Box 8988
Missoula MT 59807
Representing: Michael Letasky, Erna Tetrault, Richard Grimes, Henry Rottmar
Service Method: eService

Michael Crill (Other)
PO Box 145
Rimrock AZ 86335
Service Method: E-mail Delivery

Michael D. Plachy (Attorney)
1200 17th Street
Denver CO 80202
Representing: Honeywell International
Service Method: E-mail Delivery

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

Christopher S. Marks (Attorney)
520 Pike St., Suite 2200

Seattle WA 98101

Representing: Volkswagen of America, Inc.

Service Method: E-mail Delivery

Electronically signed by Justine Loughridge on behalf of Kelly Gallinger

Dated: 02-13-2018