

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

IN THE ASBESTOS CLAIMS COURT OF THE STATE OF MONTANA

IN RE ASBESTOS LITIGATION,  <i>Consolidated Cases.</i>	Cause No. AC 17-0694  RULE 16 SCHEDULING ORDER <i>Barnes, et al. v. State of Montana, et al.,</i> Lincoln County Cause No. DV-16-111 Judge Matt Cuffe
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Upon consultation with the parties' counsel during a scheduling conference on March 20, 2018, and pursuant to Rule 16(b) M.R.Civ.P., the Court sets the following amended deadlines in the above entitled cause:

- (1) On or before **April 27, 2018**: File motions to join parties or amend pleadings.
- (2) On or before **August 31, 2018**: Names and addresses of the parties' expert witnesses, together with the information called for in Rule 26, M.R.Civ.P., must be furnished to all opposing parties and filed with the Court. Establishment of this deadline does not minimize the obligation to fully comply with all discovery requests, including the obligations outlined in Rule 26(d)(2), Mont.R.Civ.P. Rebuttal expert witnesses must be disclosed by **September 14, 2018**. The scope of testimony for any rebuttal expert will be strictly limited to true rebuttal testimony.
- (3) On or before **October 5, 2018**: DISCOVERY COMPLETED. The term "completed" means that discovery requests shall have been submitted so that the required responses are due on or before this date, and that depositions shall have been completed. The parties should bear in mind that as the case develops they may choose to stipulate amongst themselves to modify or extend discovery, consistent with Rule 29, Mont.R.Civ.P. However, absent good cause, this Court will not extend this deadline, nor entertain discovery motions based on post-deadline occurrences. ***Should a discovery dispute arise, the parties must contact the Court to arrange an informal discovery conference so that the Court can help facilitate resolution of the dispute in a timely manner. Should a dispute still exist after such conference, the Court will then set a briefing schedule for necessary motions.***
- (4) On or before **October 5, 2018**: Motions for summary judgment with supporting memoranda and affidavits shall be filed. The parties are advised of their obligation to comply with the time requirements contained in Rule 56(c), Mont.R.Civ.P., applicable to filing response and reply briefs, and requesting oral argument. The Court will not issue orders setting the briefing schedule and will deem the matter ripe for review upon

expiration of the time provided by Rule 56(c), Mont.R.Civ.P., or at the close of oral argument, if requested.

- (5) On or before **November 2, 2018**: All other motions shall be filed, including motions *in limine*. The parties are advised of their obligation to comply with the time requirements contained in Rule 2, Unif.Dist.C.R., applicable to filing response and reply briefs, and requesting oral argument. The Court will not issue orders setting the briefing schedule and will deem the matter ripe for review upon expiration of the time provided in the Rules, or at the close of any oral argument.
- (6) On or before **September 28, 2018**: Hold Settlement Conference. The Court will have available a list of Settlement Masters or you may make your own arrangements. The Settlement Master's Report shall be filed by the date of the Final Pretrial Hearing.
- (7) A Final Pretrial Hearing will be held on **February 5, 2019, at 9:00 a.m.** A Pretrial Order shall be prepared per Rule 5, Unif.Dist.C.R., and must be submitted prior to the Final Pretrial Hearing. The parties must come to the Final Pretrial Hearing prepared to discuss any outstanding matters not addressed in the Pretrial Order.
- (8) The Civil Jury Trial is hereby set for ten days beginning **March 18, 2019, at 9:00 a.m.** This is a date certain for trial with first priority setting. The Court will have an attorney's conference at 8:30 a.m. the first day of trial.

Failure of counsel or parties to adhere to this scheduling order may result in the loss of trial date, sanctions, or notification to clients as to the reasons for further delay. Regardless, the Court will not consider any modification to this Rule 16 Scheduling Order absent good cause. Rule 16(b)(4), Mont.R.Civ.P. The parties are on notice that extension of any deadline may jeopardize the Court's ability to timely consider and rule on any disputes in advance of the trial date.

DATED this 22<sup>nd</sup> day of March, 2018.

/s/ Amy Eddy

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Amy Eddy, District 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 03-22-2018:

Roger M. Sullivan (Attorney)  
345 1st Avenue E  
MT  
Kalispell MT 59901  
Representing: Adams, et al  
Service Method: eService

Allan M. McGarvey (Attorney)  
345 1st Avenue East  
Kalispell MT 59901  
Representing: Adams, et al  
Service Method: eService

Jon L. Heberling (Attorney)  
345 First Ave E  
Kalispell MT 59901  
Representing: Adams, et al  
Service Method: eService

John F. Lacey (Attorney)  
345 1st Avenue East  
Kalispell MT 59901  
Representing: Adams, et al  
Service Method: eService

Ethan Aubrey Welder (Attorney)  
345 1st Avenue East  
Kalispell MT 59901  
Representing: Adams, et al  
Service Method: eService

Dustin Alan Richard Leftridge (Attorney)  
345 First Avenue East  
Montana  
Kalispell MT 59901  
Representing: Adams, 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

Gary M. Zadick (Attorney)

P.O. Box 1746

#2 Railroad Square, Suite B

Great Falls MT 59403

Representing: Honeywell International

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

G. Patrick HagEstad (Attorney)

PO Box 4947

Missoula MT 59806

Representing: Crane Co., 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

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.  
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.  
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.  
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.  
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.  
Service Method: eService

Chad E. Adams (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, Nissan North American Inc.

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

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

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

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

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

Tracy H. Fowler (Attorney)  
15 West South Temple  
Suite 1200  
South Jordan UT 84101  
Representing: The Proctor & Gamble Company et al  
Service Method: eService

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

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  
Service Method: eService

Kennedy C. Ramos (Attorney)  
1717 Pennsylvania Avenue NW  
1200  
wash DC 20006  
Representing: Maryland Casualty Corporation

Service Method: eService

Edward J. Longosz (Attorney)  
1717 Pennsylvania Avenue NW  
Suite 1200  
Washington DC 20006  
Representing: Maryland Casualty Corporation  
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

Kevin A. Twidwell (Attorney)  
1911 South Higgins Ave  
PO Box 9312  
Missoula MT 59807  
Representing: Libby School District #4  
Service Method: eService

Michael Crill (Other)  
PO Box 145  
Rimrock AZ 86335  
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

Fredric A. Bremseth (Attorney)  
601 Carlson Parkway, Suite 995  
Minnetonka MN 55305-5232  
Representing: Brent Wetsch  
Service Method: Conventional

Walter G. Watkins (Attorney)  
210 E. Capitol Street, Ste. 2200  
Jackson MS 39201  
Representing: International Paper Co.  
Service Method: Conventional

Electronically Signed By: Amy Poehling Eddy  
Dated: 03-22-2018