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## IN THE ASBESTOS CLAIMS COURT OF THE STATE OF MONTANA

IN RE ASBESTOS LITIGATION,

*Consolidated Cases.*

CAUSE NO. AC 17-0694

**PLAINTIFFS' MOTION FOR  
LEAVE TO FILE THIRD  
AMENDED COMPLAINT AND  
DEMAND FOR JURY TRIAL**

*Barnes, et al v. State of Montana, et al.,*  
Lincoln County Cause No. DV-16-111  
Judge Matt Cuffe

COME NOW the Plaintiffs Tracie Barnes, Kenneth Braaten as Personal Representative for the Estate of Rhonda R. Braaten, deceased, and Gerrie A. Flores, pursuant to this Court's March 22, 2018, Scheduling Order and Rule 15(a) M.R.Civ.P., and move to file the Third Amended Complaint and Demand for Jury Trial.

Rule 15(a), M.R.Civ.P., provides that leave to amend shall be "freely given." *Hobble-Diamond Cattle Co. v. Triangle Irrigation Co.* (1991), 249 Mont. 322, 815 P.2d 1153.

This amendment is necessary for the following reasons:

- 1) to remove claims against the Wood Products Defendants and Robinson Insulation Company; and
- 2) to update the general allegations and allegations against remaining Defendants.

DATED this 27<sup>th</sup> day of April, 2018.

McGARVEY, HEBERLING, SULLIVAN  
& LACEY, P.C.

By: 

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Attorneys for Plaintiffs

## **CERTIFICATE OF SERVICE**

I, John F. Lacey, hereby certify that I have served true and accurate copies of the foregoing Motion - Other to the following on 04-27-2018:

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Electronically Signed By: John F. Lacey  
Dated: 04-27-2018