FILED

09/04/2018

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number: AC 17-0694

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IN THE MONTANA ASBESTOS CLAIMS COURT

IN RE ASBESTOS LITIGATION,

Cause No. AC 17-0694

Consolidated Cases.

Hon. Amy Eddy

AFFIDAVIT OF VERNON M. MCFARLAND

STATE OF MISSISSIPPI)
	:ss
County of Hinds)

Vernon M. McFarland, being first duly sworn upon oath, deposes and says as follows:

- 1. I am an attorney licensed to practice in the States of Mississippi and Montana, representing Defendant International Paper Co. in the above-captioned matter.
- 2. Categories 3, 4, 5, and 9 of the May 25, 2018 Subpoena Duces Tecum to CARD requested by category the following documents:
 - [3] All invoices prepared by you or on your behalf for services rendered in performing x-ray tests, B-reads, physical examinations,

pulmonary function tests or screenings, or any other testing or screening, or in generating reports or diagnoses for all clients and persons listed on Attachment B or anyone that is part of CARD's Research Pool or Cohort.

- [4] Documents that reflect expenses submitted by you, including, but not limited to, credit card statements, receipts, or other expense reports related to the screening of all persons listed on Attachment B or anyone that is part of CARD's Research Pool or Cohort.
- [5] Documents relating to or reflecting payments for services rendered in connection with all persons listed on Attachment B or anyone that is part of CARD's Research Pool or Cohort for whom you rendered x-ray tests, physical examinations, pulmonary function tests, B-reads, screenings, or generated reports or diagnoses.
- [9] Any and all documents, contracts, or other agreements concerning payment by the person, their attorneys, representatives, unions, insurance companies, physicians, and/or any other entity or individual for the services rendered by you, and the terms and conditions under which services were performed by you in connection with the testing, diagnosing, or screening of or for all persons or clients listed on Attachment B or anyone that is part of CARD'S Research Pool or Cohort.

Documents requested in categories 3, 4, 5, and 9 of the May 25, 2018 Subpoena Duces Tecum to CARD is not in information being provided in discovery to Defendant International Paper Co.

- 3. Category 7 of the May 25, 2018 Subpoena Duces Tecum to CARD requested by category the following documents:
 - [7] Any and all documents, including, but not limited to, patient agreements, patient waivers, notices, letters, correspondence, business records, and/or communications relating to the testing, screening, or diagnosing of persons between you and:
 - a. all persons or clients listed on Attachment B;
 - b. anyone that is part of CARD's Research Pool or Cohort;
 - c. any persons' attorneys or other agents;
 - d. any attorney;
 - e. any union or union representative;
 - f. any screening company; and
 - g. any physician or technician, including, but not limited to, Dr. Brad Black.

Based upon testimony from Drs. Black, Miller, and Yankelevitz at the July 24-25, 2018 hearing, information requested in category 7(a) and (g) of the May 25, 2018 Subpoena Duces Tecum to CARD is not in information being provided in discovery to Defendant International Paper Co., as testimony indicated that CARD has a separate location for certain B-reads, and CARD has provided at least 1,500 CTs to Mt. Sinai physicians.

- 4. Categories 15 and 23 of the May 25, 2018 Subpoena Duces Tecum to CARD requested by category the following documents:
 - [15] Any and all documents relating to the prescribing or ordering of tests and/or prescribing, ordering, or purchasing of medical equipment for the testing, screening, or diagnosing of persons and the administration and maintenance of that equipment.
 [23] Documents and related files that establish, relate, or pertain to any medical doctor or practitioner prescribing the x-ray tests and the pulmonary function tests performed on any person or client, including, but not limited to, the persons listed on Attachment B.
- 5. Documents requested in category 15 relating "ordering or purchasing of medical equipment for the testing, screening or diagnosing of persons" is not in information being provided in discovery to the State of Montana. Based upon testimony from Drs. Black, Miller, and Yankelevitz at the July 24-25, 2018 hearing, information requested in category 23 of the May 25, 2018 Subpoena Duces Tecum to CARD relating to "[d]ocuments and related files that . . . relate or pertain to any medical doctor or practitioner prescribing the x-ray tests . . . performed on any person or client, including but not limited to the persons listed on Attachment B" is not in information being provided in discovery to Defendant International Paper Co., as testimony indicated that CARD has a separate location for certain B-reads, and CARD has provided at least 1,500 CTs to Mt. Sinai physicians.

Dated this 30th day of August, 2018.

W. M. F. I. I.

Vernon M. McFarland

SWORN to before me this 30th day of August, 2018.

MOTARY PUBLIC
ID No. 102372
Commission Expires
May 28, 2020
(Seal)

Notary Public for State of Mississippi

Heather L. Olivier

[please type or print notary name]

Residing at:

208 William Drive

Clinton, MS 39056

My commission expires: 05/28/2020

CERTIFICATE OF SERVICE

I, Dale R. Cockrell, hereby certify that I have served true and accurate copies of the foregoing *State of Montana's Motion for Judicial Notice of "Round 1" and "Round 2" Settlements* to the following on 09-04-2018:

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MOTION FOR MODIFICATION OF JUNE 8, 2018 *ORDER RE: MOTIONS TO QUASH* PURSUANT TO M.R.CIV.P. 54(b) AND TO RE-OPEN CARD AND CARD FOUNDATION RULE 30(B)(6) DEPOSITIONS AND BRIEF IN SUPPORT

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MOTION FOR MODIFICATION OF JUNE 8, 2018 *ORDER RE: MOTIONS TO QUASH* PURSUANT TO M.R.CIV.P. 54(b) AND TO RE-OPEN CARD AND CARD FOUNDATION RULE 30(b)(6) DEPOSITIONS AND BRIEF IN SUPPORT

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MOTION FOR MODIFICATION OF JUNE 8, 2018 *ORDER RE: MOTIONS TO QUASH* PURSUANT TO M.R.CIV.P. 54(b) AND TO RE-OPEN CARD AND CARD FOUNDATION RULE 30(b)(6) DEPOSITIONS AND BRIEF IN SUPPORT

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Electronically signed by Dale R. Cockrell

Dated: 09-04-2018

CERTIFICATE OF SERVICE

I, Dale R. Cockrell, hereby certify that I have served true and accurate copies of the foregoing Affidavit - Other to the following on 09-04-2018:

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Electronically signed by Anna Arvidson on behalf of Dale R. Cockrell Dated: 09-04-2018