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 Attorneys for BNSF Railway Company and John Swing

IN THE ASBESTOS CLAIMS COURT OF THE STATE OF MONTANA

<p>IN RE ASBESTOS LITIGATION,  <i>Consolidated Cases</i></p>	<p>Cause No. AC 17-0694  THIS DOCUMENT RELATES TO:  <i>MacDonald v. International Paper, et al.,</i>  <i>Cascade County Cause No. DV-16-549</i>            Judge John Parker</p>
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**DEFENDANTS BNSF RAILWAY COMPANY AND JOHN SWING'S COMBINED  
 MOTION SEEKING ACTIVE STATUS AND BRIEF IN SUPPORT**

On September 13, 2018, the Asbestos Claims Court issued an Order establishing a Deferred Docket system and outlined the identification of cases, transferring cases to the Active Docket and annual management of cases on the Deferred Docket. *See* ORDER RE: PLAINTIFFS' MOTION FOR DEFERRED DOCKET at pp. 16-18. Defendants file this *Motion* transferring the Jason MacDonald case (DV-16-549) to the Active Docket.

MacDonald's case is set for trial April 15, 2019. The Court has not vacated the scheduling order, but in a separate order in the matter of *Ward, et al. v. International Paper, et al.*, DV-10-839, the Court specifically references Mr. MacDonald's claim being transferred to the Deferred Docket. Because Mr. MacDonald's claim meets the criteria for active status, Defendants respectfully request that the Court move his case back to active status and the April 15, 2019 trial

date be maintained. Plaintiff has not responded to case specific discovery; therefore, Defendant would respectfully request some revisions to the current scheduling order.

MacDonald alleges he was diagnosed with a nonmalignant ARD. Pulmonary function testing from a non-CARD clinic medical provider on June 10, 2016, showed FVC of 79% predicted and a FEV1/FVC ratio of 91%. *See Exhibit A*. Three days later the same medical provider tested MacDonald and he had an FVC of 76% predicted and FEV1/FVC ratio of 89%. *See Exhibit B*. MacDonald's allegations and testing results from a non-CARD clinic meet the criteria set by subsection (c) as outlined by the Court for transferring to the Active Docket.

On October 3, 2018, the Court instructed Defendants to file a motion on this issue with Plaintiff having 10 days to respond. MacDonald's medical records from a clinic that is not under scrutiny for its qualifications and methodology clearly establish that his case should be placed in active status. The Court has not ruled yet on whether CARD even qualifies as a medical institution that can participate in the transferring cases to and from the Deferred Docket. Defendants maintain that CARD should be used for no such purpose. The MacDonald case illustrates Defendants concerns.

In 2015, CARD performed pulmonary function testing on MacDonald. He tested FVC 76% predicted and FEV1/FVC ratio of 100%. *See Exhibit C*. These results would put his case on the Active Docket. In 2016, he was tested by a non-CARD clinic and both results would put his case on the Active Docket. *See Exhibits A and B*. On June 18, 2018, after Plaintiffs filed and argued<sup>1</sup> that cases such as MacDonald's should be deferred because he is not impaired, CARD tested his FVC at 85% predicted. This was the highest testing reported by CARD since they diagnosed him with an ARD in 2013.<sup>2</sup> If this spike in results are not troubling enough, CARD did not even

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<sup>1</sup> Plaintiffs Motion for Deferred Docket was filed April 12, 2018.

<sup>2</sup> In July of 2013, CARD reported his FVC at 79% predicted.

produce the actual documented testing results. Instead, the results of his “improved condition” are merely mentioned in a clinical note. Prior to arguing that MacDonald’s case should be on the Deferred Docket, CARD maintained complete graphic results of his pulmonary function testing. *See Exhibits C and D* which are 2013 and 2015 CARD records. *See also Exhibit E* of MacDonald’s June 18, 2018 clinical note for comparison showing no such graphical results. This is yet another example of CARD’s inability or indifference to maintaining and producing complete medical files.

Wherefore, MacDonald’s case should maintain active and set for trial with the Court issuing a new scheduling order with respect to expert witnesses and discovery and Plaintiff should be directed to respond to BNSF’s discovery within 5 days of the date of the Court’s Order on this issue.

DATED this 5th day of October, 2018.

Respectfully submitted,

KNIGHT NICASTRO, LLC

/s/ Anthony M. Nicastro

Chad M. Knight

Anthony M. Nicastro

Nadia Patrick

*Attorneys for BNSF Railway Company  
and John Swing*

**CERTIFICATE OF SERVICE**

I hereby certify that I have served true and accurate copies of the foregoing to the following counsel of record by the means designated below on this 5th day of October, 2018:

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KNIGHT NICASTRO, LLC

*/s/ Anthony M. Nicastro* \_\_\_\_\_  
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 Company and John Swing

PAMC PROVIDENCE ALASKA MEDICAL CENTER  
 3200 Providence DR  
 Anchorage AK 99508-4615  
 Inpatient Record

MacDonald, Jason Christopher  
 MRN: 00652004, DOB: 1/15/1977, Sex: M  
 Adm: 6/10/2016, D/C: 6/10/2016

Encounter-Level Documents - 06/10/2016:

Scan on 6/10/2016 21:46 (below)

Providence Alaska Medical Center  
 Pulmonary Function Laboratory  
 3200 Providence Drive  
 Anchorage, AK, 99519

Phone: 907-212-3693

PF Reference: Default

Name: MacDonald, Jason	MRN: 00652004	BMI: 32.8	Date: 06/10/2016
Tech: Cook, Larry	Height: 71.00 Inches	Age: 39	Room:
Doctor: Martynowicz, Marek	Weight: 235.00 Lbs	Sex: Male	Race: Caucasian

Diagnosis: Dyspnea

Dyspnea: After any exertion      Cough:      Wheeze:  
 Tbc Prod: Never Smoked      Yrs Smk:      Pks/Day:      Pk Yrs:      Yrs Quit:

Medications:

Pre Test Comments:

Post Test Comments: Good patient effort & cooperation. The results of this test meet the ATS standards for acceptability and reproducibility. \* Patient unable to do Lung Volumes due to claustrophobia when door to box closed. \*

	Baseline				Post B.D.		
	Pred	LLN	Actual	%Pred	Actual	%Pred	%Chng
--- SPIROMETRY ---							
FVC (L)	5.48	4.52	4.36	79			
FEV6 (L)	5.35	4.41	4.34	81			
FEV1 (L)	4.36	3.55	3.21	73			
FEV1/FVC (%)	80	70	74	91			
FEV1/FEV6 (%)	82	74	73	89			
FEF 25-75% (L/sec)	4.10	2.45	2.22	54			
FEF Max (L/sec)	10.41	8.02	10.34	99			
Expiratory Time (sec)			7.87				
FEF 50% (L/sec)	5.67	3.46	2.89	50			
FIF 50% (L/sec)	5.26	3.15	4.38	83			
FEF50%/FIF50% (%)	90-100		66				
--- LUNG VOLUMES ---							
ERV (L)	1.93		0.94	48			
IC (L)	3.55		3.72	104			
SVC (L)	5.48	4.52	4.66	84			
--- DIFFUSION ---							
DLCOunc (ml/min/mmHg)	33.68		44.64	132			
DLCOcor (ml/min/mmHg)	33.68						
DLVA (ml/min/mmHg/L)	4.72		7.18	152			
VA (L)	7.13	5.83	6.22	87			

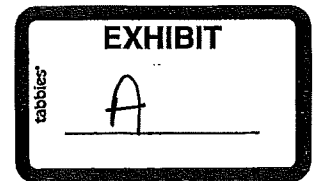
MACDONALD, JASON C  
 DOB: 01/15/77 M 39 YRS  
 MRN: 00652004  
 CSN: 15895102

6/18/2016 OUTPATIENT



PAMC Complete

Page 1 of 2



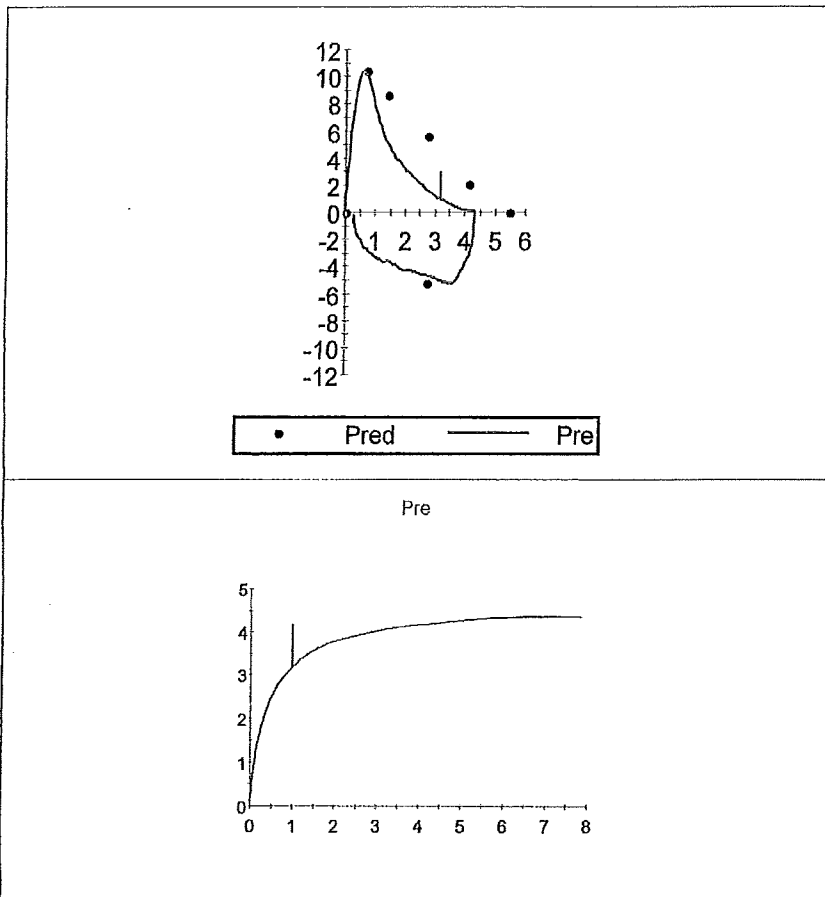
Encounter-Level Documents - 06/10/2016: (continued)

Providence Alaska Medical Center  
 Pulmonary Function Laboratory  
 3200 Providence Drive  
 Anchorage, AK, 99519

Phone: 907-212-3693

PF Reference: Default

Name: MacDonald, Jason	MRN: 00652004	BMI: 32.8	Date: 06/10/2016
Tech: Cook, Larry	Height: 71.00 Inches	Age: 39	Room:
Doctor: Martynowicz, Marek	Weight: 235.00 Lbs	Sex: Male	Race: Caucasian



PAMC PROVIDENCE ALASKA MEDICAL CENTER  
 3200 Providence DR  
 Anchorage AK 99508-4615  
 Inpatient Record

MacDonald, Jason Christopher  
 MRN: 00652004, DOB: 1/15/1977, Sex: M  
 Adm: 6/13/2016, D/C: 6/13/2016

Encounter-Level Documents - 06/13/2016:

Scan on 6/16/2016 11:41 (below)

Providence Alaska Medical Center  
 Pulmonary Function Laboratory  
 3200 Providence Drive  
 Anchorage, AK, 99519 Phone: 907-212-3693


PF Reference: Default

Name: MacDonald, Jason	MRN: 00652004	BMI: 32.8	Date: 06/13/2016
Tech: Lallish, William	Height: 71.00 Inches	Age: 39	Room:
Doctor: Martynowicz, Marek	Weight: 235.00 Lbs	Sex: Male	Race: Caucasian

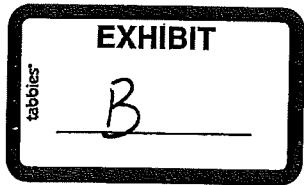
Diagnosis: Dyspnea  
 Dyspnea: After any exertion Cough: Wheeze:  
 Tbc Prod: Never Smoked Yrs Smk: Pks/Day: Pk Yrs: Yrs Quit:  
 Medications: Combiveni Respimat  
 Pre Test Comments:  
 Post Test Comments: Good patient effort & cooperation. The results of this test meet the ATS standards for acceptability and reproducibility.  
 \*Pt FEV1 < 70% methacholine not completed  
 2.5mg Albuterol via nebulizer Pre tx Hr 81 Post tx Hr 90

	Baseline				Post B.D.		
	Pred	LLN	Actual	%Pred	Actual	%Pred	%Chng
--- SPIROMETRY ---							
FVC (L)	5.48	4.52	4.21	76	4.05	73	-3
FEV6 (L)	5.35	4.41	4.19	78	4.00	74	-4
FEV1 (L)	4.36	3.55	3.03	69	3.11	71	+2
FEV1/FVC (%)	80	70	72	89	77	95	+6
FEV1/FEV6 (%)	82	74	72	87	78	94	+8
FEF 25-75% (L/sec)	4.10	2.45	1.97	48	2.22	54	+12
FEF Max (L/sec)	10.41	8.02	9.99	95	9.59	92	-3
Expiratory Time (sec)			8.20		7.85		-4
PEF 50% (L/sec)	5.67	3.46	2.55	45	3.34	58	+30
PIF 50% (L/sec)	5.26	3.15	5.77	109	5.65	107	-2
TEF50%/PIF50% (%)	90-100		44		59		+33

MACDONALD, JASON C  
 DOB: 01/15/77 M 39 YRS  
 MRN: 00652004  
 CSN: 15895183  
 6/13/2016 OUTPATIENT



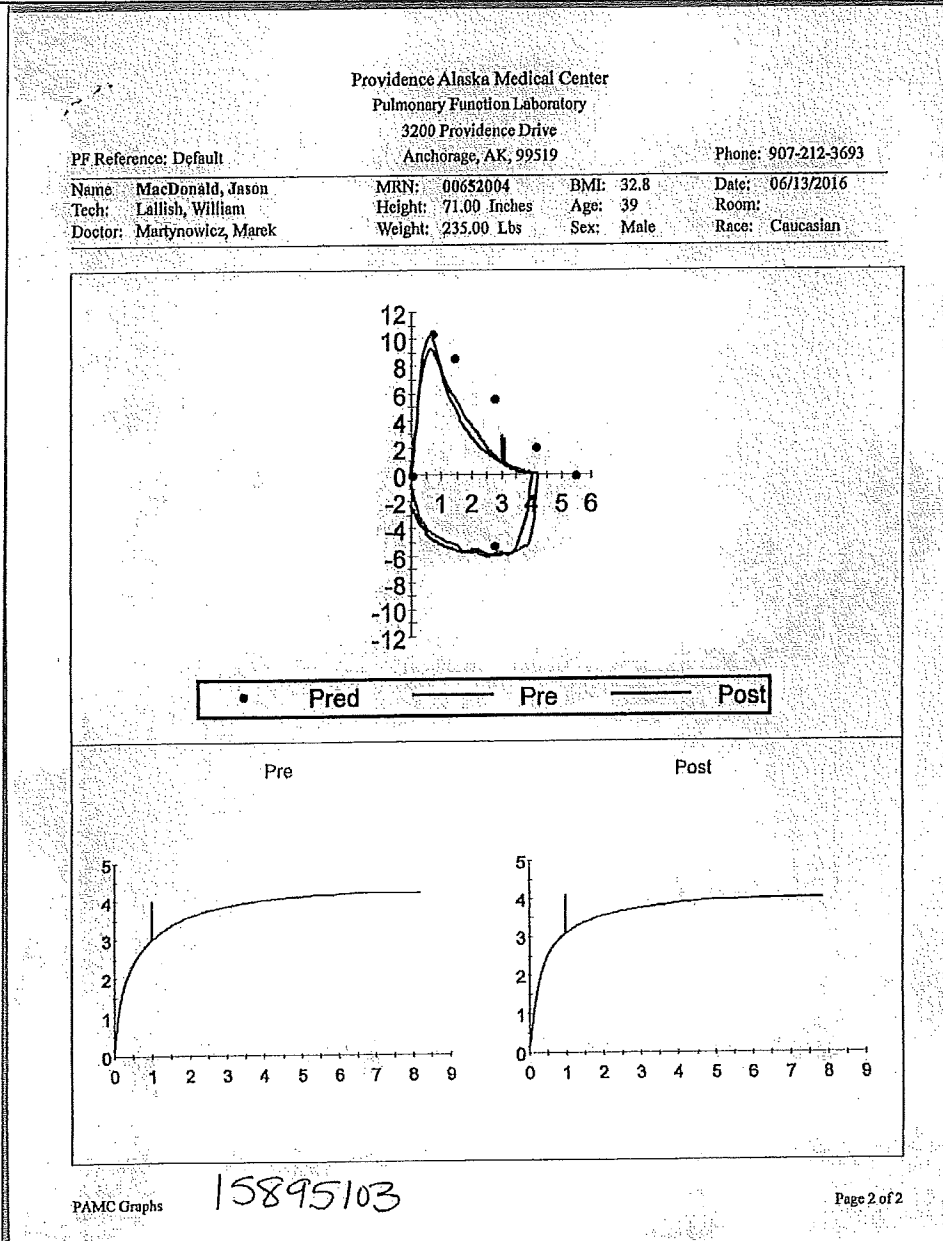
PAMC Complete Page 1 of 2



PAMC PROVIDENCE ALASKA MEDICAL CENTER  
 3200 Providence DR  
 Anchorage AK 99508-4615  
 Inpatient Record

MacDonald, Jason Christopher  
 MRN: 00652004, DOB: 1/15/1977, Sex: M  
 Adm: 6/13/2016, D/C: 6/13/2016

Encounter-Level Documents - 06/13/2016: (continued)



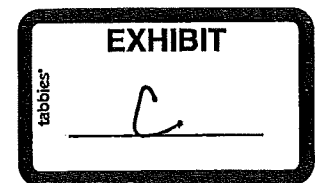
Center For Asbestos Related Disease  
214 East 3rd Street  
Libby, MT, 59923

Name: MacDonald, Jason C.	ID: 807045	BSA: 2.23	Date: 07/06/2015
Tech: Smith, Mark	Height: 70.20	Age: 38	DOB 01/15/1977
Doctor: Miller, Miles	Weight: 232.00	Sex: Male	Race: Caucasian

NHANES III

	Pre-Bronch			Post-Bronch		
	Actual	Pred	%Pred	Actual	%Pred	%Chng
--- SPIROMETRY ---						
FVC (L)	4.10	5.36	76	4.37	81	+6
FEV1 (L)	3.30	4.28	77	3.56	83	+7
FEV1/FVC (%)	81	80	100	81	101	+1
FEF 25% (L/sec)	7.72	8.61	89	8.57	99	+10
FEF 75% (L/sec)	1.22	2.05	59	1.70	82	+38
FEF 25-75% (L/sec)	3.30	4.07	80	3.68	90	+11
PEF (L/min)	494.8			583.1		+17
PEF Max (L/sec)	8.25	10.25	80	9.72	94	+17
FIVC (L)	3.31			3.55		+7
FF Max (L/sec)	4.79			6.82		+42
MVV (L/min)	145	168	86			
FEV6/FVC (%)	100	98	101	100	101	+0
FEV6 (L)	4.09	5.24	78	4.36	83	+6
--- LUNG VOLUMES ---						
SVC (L)	4.19	5.36	78			
IC (L)	2.96	3.50	84			
ERV (L)	1.23	1.86	66			
TGV (L)	3.18	3.47	91			
RV (Pleth) (L)	1.95	1.81	107			
TLC (Pleth) (L)	6.13	6.97	88			
RV/TLC (Pleth) (%)	32	26	122			
Trapped Gas (L)						
--- DIFFUSION ---						
DLC <sub>unc</sub> (ml/min/mmHg)	39.94	33.45	119			
DLC <sub>cor</sub> (ml/min/mmHg)		33.45				
DLVA (ml/min/mmHg/L)	6.87	4.80	143			
VA (L)	5.81	6.97	83			

Post-Test Comments: Good effort and cooperation



Name: MacDonald, Jason

DOB: 01/15/1977

Date: 07/06/2015

Name: Macdonald, Jason

DOB: 01/15/1977

MACDONALD, JASON 1069 (ORTHO PHYS AK)

Date:

Center For Asbestos Related Disease  
 214 East 3rd Street  
 Libby, MT, 59923

Name: MacDonald, Jason C	ID: 807045	BSA: 2.23	Date: 07/06/2015
Tech: Smith, Mark	Height: 70.20	Age: 38	DOB 01/15/1977
Doctor: Miller, Miles	Weight: 232.00	Sex: Male	Race: Caucasian

NHANES III

<u>Visit Date</u>	FVC % Predicted	FEV1 % Predicted	TLC (Pleth) % Predicted	RV (Pleth) % Predicted	DLCOunc % Predicted
<u>Pre</u>					
7/8/2013 1:36:17 PM	79	80			
7/6/2015 2:09:11 PM	76	77	88	107	119
<u>Post</u>					
7/8/2013 1:36:17 PM					
7/6/2015 2:09:11 PM	81	83			

Name: MacDonald, Jason

DOB: 01/15/1977

Date: 07/06/2015

Name: Macdonald, Jason

DOB: 01/15/1977

MACDONALD, JASON 1070 (ORTHO PHYS AK)

Date:

Center For Asbestos Related Disease  
 214 East 3rd Street  
 Libby, MT, 59923

Name: MacDonald, Jason C	ID: 807045	BSA: 2.23	Date: 07/06/2015
Tech: Smith, Mark	Height: 70.20	Age: 38	DOB 01/15/1977
Doctor: Miller, Miles	Weight: 232.00	Sex: Male	Race: Caucasian

NHANES III

Diagnosis:

Dyspnea:

Cough:

Wheeze:

Tbco Prod:

Yrs Smk:

Pks/Day:

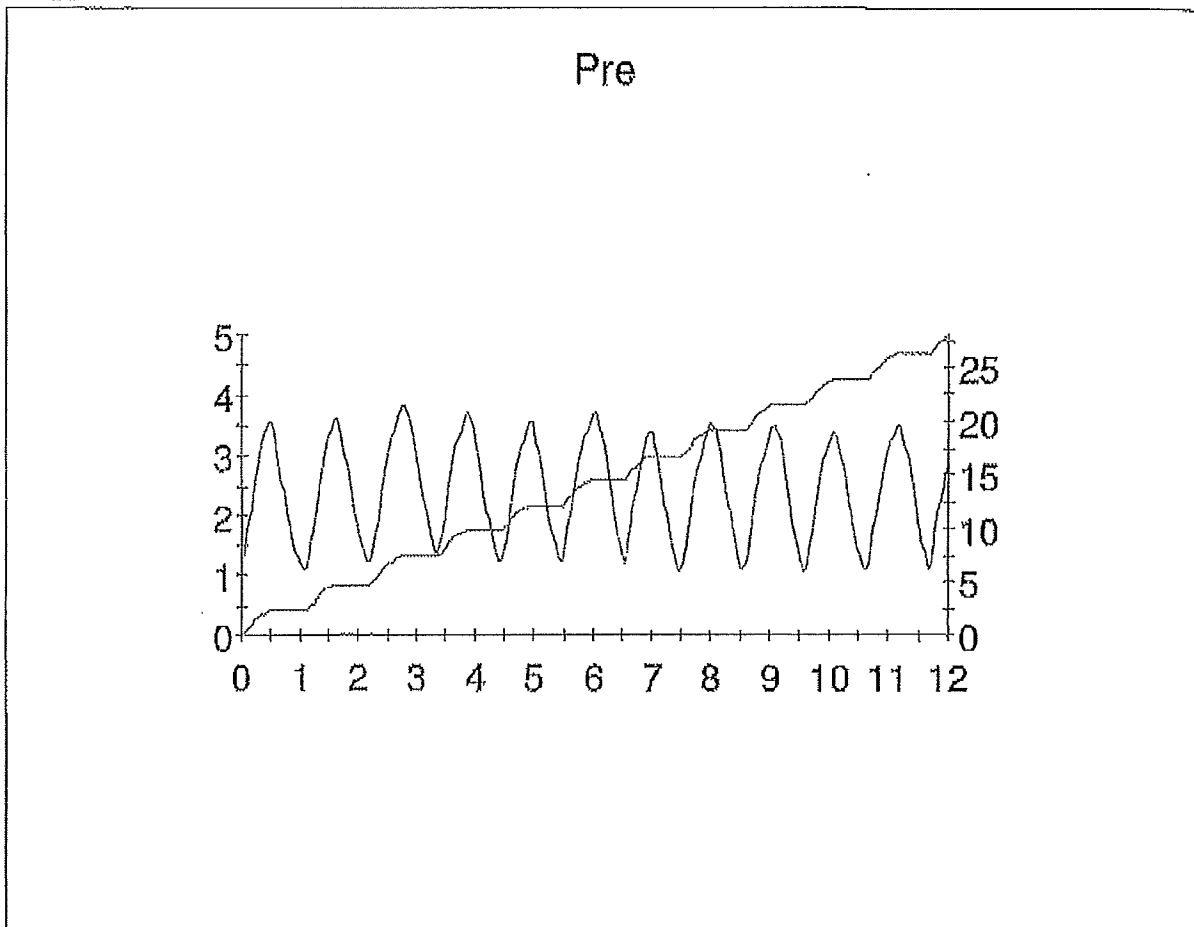
Yrs Quit:

Medications:

Pre Test Comments:

Post Test Comments: Good effort and cooperation

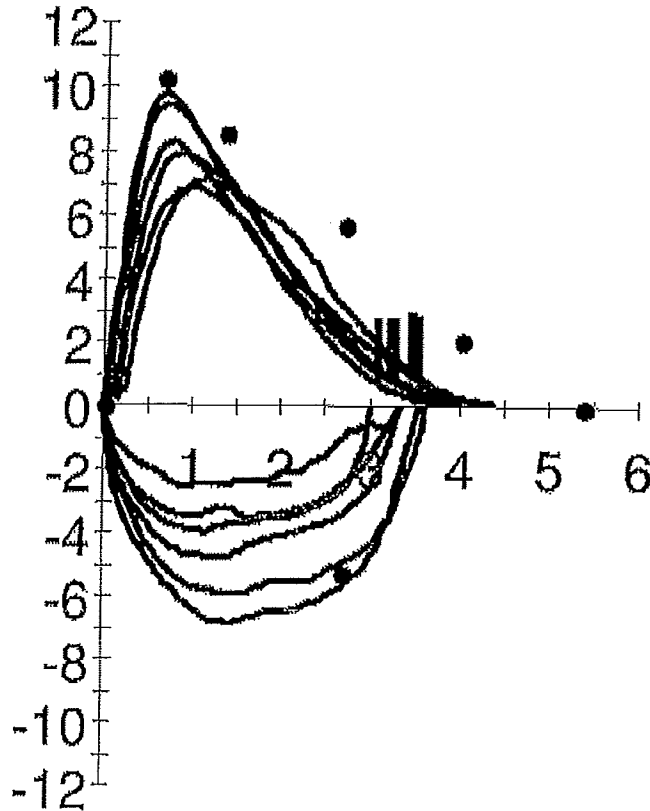
Time	Select	Test Mode	MVV absolute	MVV % p/c	TV absolute	RR absolute
Predicted			168			
Pre						
14:32:47	*	Pre/Baseline	145	86	2.72	53.57
Post						



Center For Asbestos Related Disease  
214 East 3rd Street  
Libby, MT, 59923

Name: MacDonald, Jason C	ID: 807045	BSA: 2.23	Date: 07/06/2015
Tech: Smith, Mark	Height: 70.20	Age: 38	DOB 01/15/1977
Doctor: Miller, Miles	Weight: 232.00	Sex: Male	Race: Caucasian

NHANES III



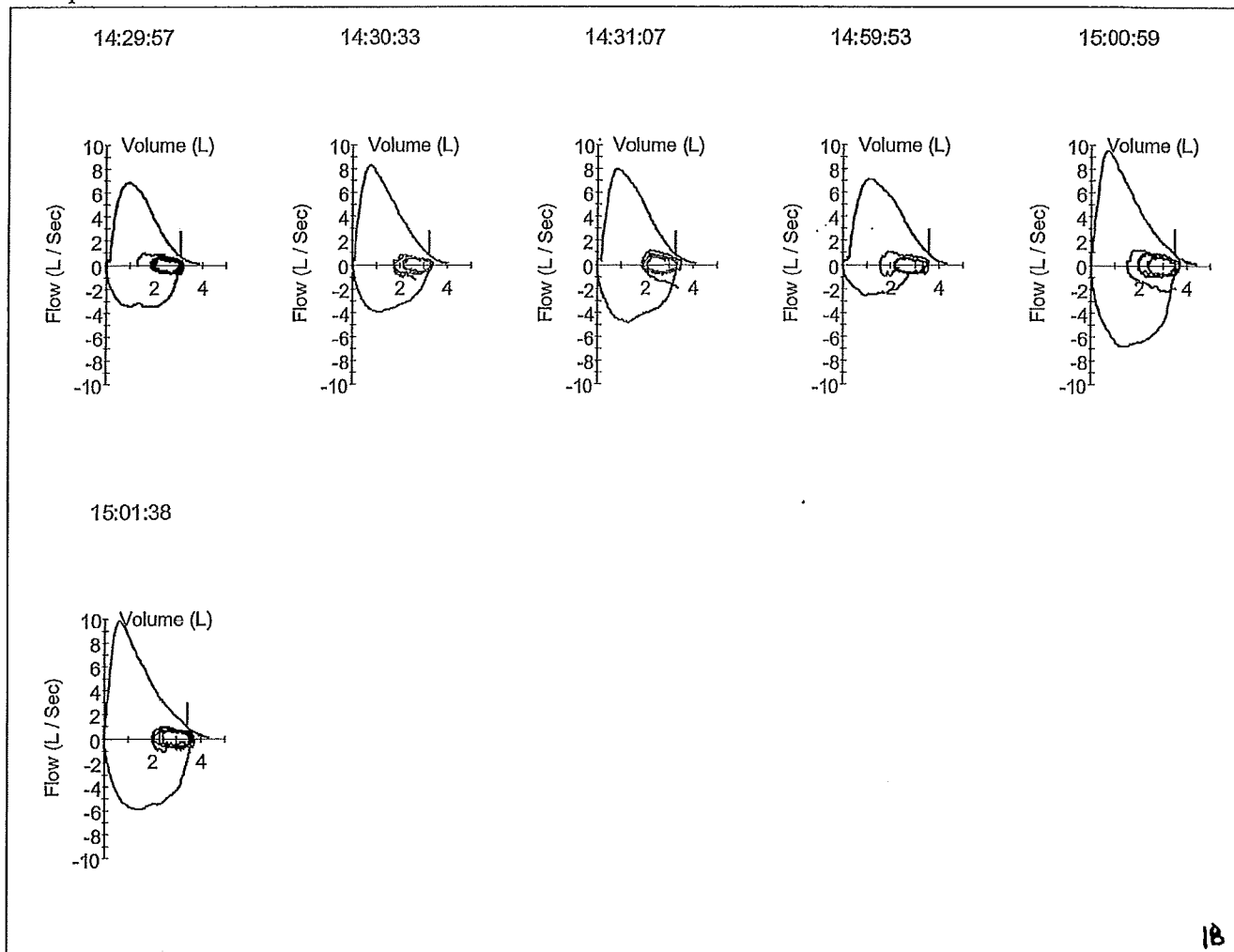
•	Pred	—————	14:29:57
—————	14:30:33	—————	14:31:07
—————	Pre	—————	14:59:53
—————	15:00:59	—————	15:01:38
—————	Post		

Center For Asbestos Related Disease  
214 East 3rd Street  
Libby, MT, 59923

Name: MacDonald, Jason C	ID: 807045	BSA: 2.23	Date: 07/06/2015
Tech: Smith, Mark	Height: 70.20	Age: 38	DOB 01/15/1977
Doctor: Miller, Miles	Weight: 232.00	Sex: Male	Race: Caucasian

NHANES III

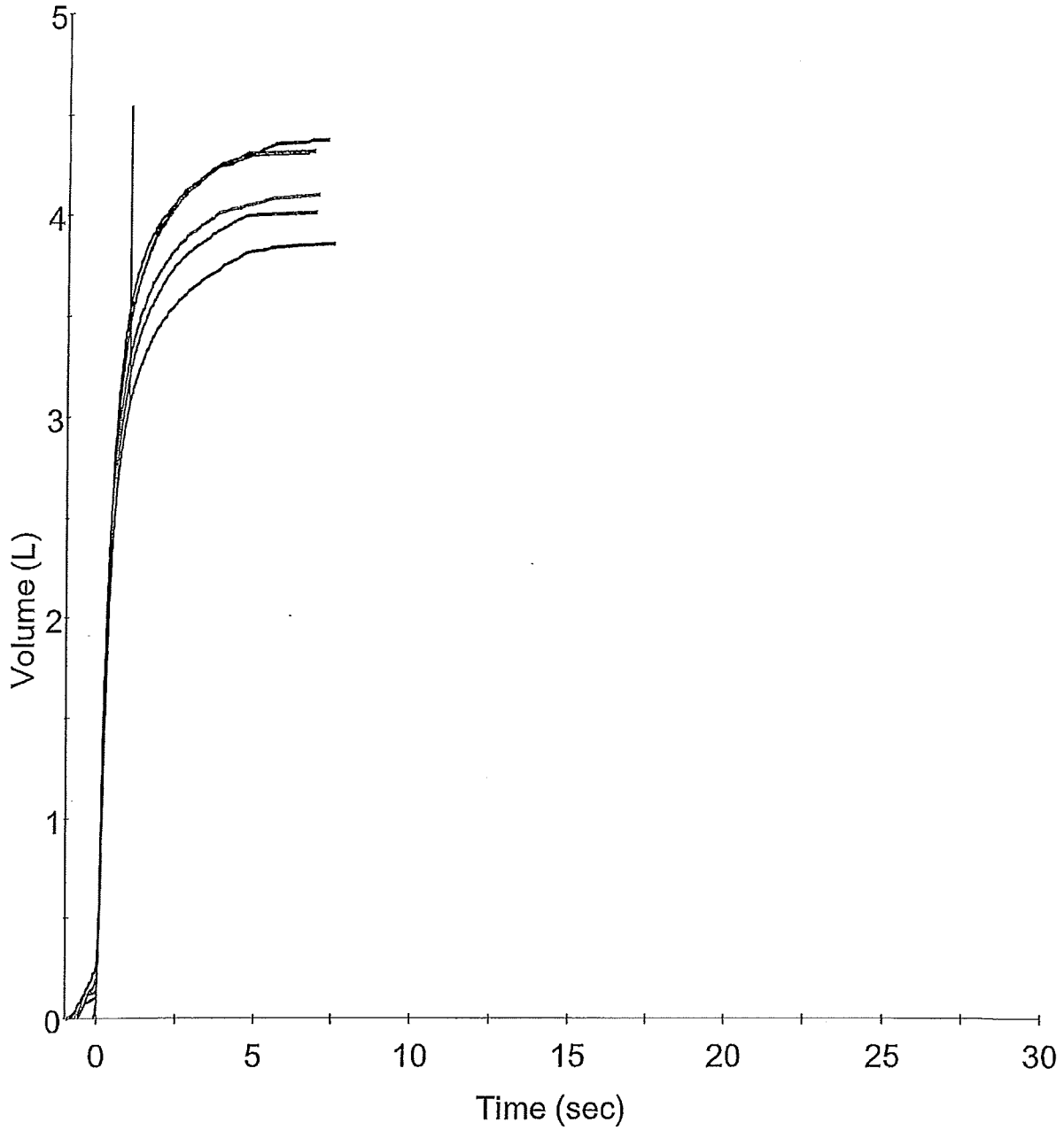
Time	Select	ATS	FVC absolute	FVC % p/c	FEV1 absolute	FEV1 % p/c	FEV1/FVC absolute	FEF 25-75% absolute
<b>Pre</b>								
14:31:07	*		4.10	76	3.30	77	81	3.30
14:30:33	*		4.01	74	3.24	75	81	3.12
14:29:57	*	back extrapolated volume	3.86	71	3.09	72	80	3.01
Composite		BR1R2	4.10	76	3.30	77	81	3.30
<b>Post</b>								
15:00:59	*		4.37	+6	3.50	+5	80	3.68
14:59:53	*	back extrapolated volume	4.31	+5	3.56	+7	83	4.26
15:01:38	*		4.31	+5	3.48	+5	81	3.58
Composite		BR1R2	4:37	+6	3.56	+7	81	3.68



Center For Asbestos Related Disease  
214 East 3rd Street  
Libby, MT, 59923

Name: MacDonald, Jason C	ID: 807045	BSA: 2.23	Date: 07/06/2015
Tech: Smith, Mark	Height: 70.20	Age: 38	DOB 01/15/1977
Doctor: Miller, Miles	Weight: 232.00	Sex: Male	Race: Caucasian

NHANES III

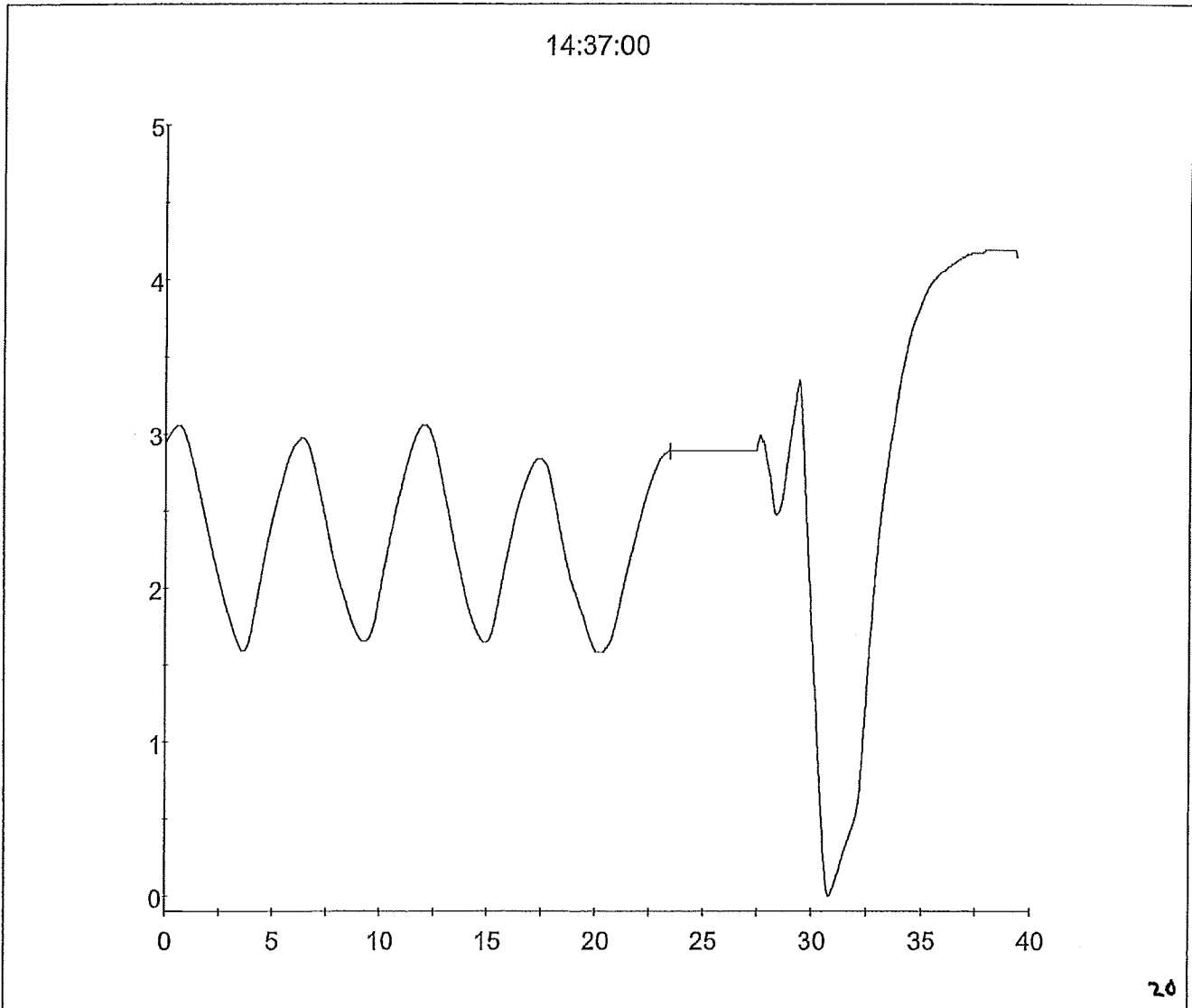


Center For Asbestos Related Disease  
214 East 3rd Street  
Libby, MT, 59923

Name: MacDonald, Jason C	ID: 807045	BSA: 2.23	Date: 07/06/2015
Tech: Smith, Mark	Height: 70.20	Age: 38	DOB 01/15/1977
Doctor: Miller, Miles	Weight: 232.00	Sex: Male	Race: Caucasian

NHANES III

Time	Select	RpLp	Test Mode	Source	SVC absolute	SVC % p/c	IC absolute	IC % p/c
Predicted					5.36		3.50	
<b>Pre</b>								
14:37:00	*			Pleth	4.19	78	2.96	84
14:51:06				DLCO	4.04	75	3.15	90
14:57:59				DLCO	4.15	77	3.34	95
AVG			Pre/Baseline		4.19	78	2.96	84
<b>Post</b>								



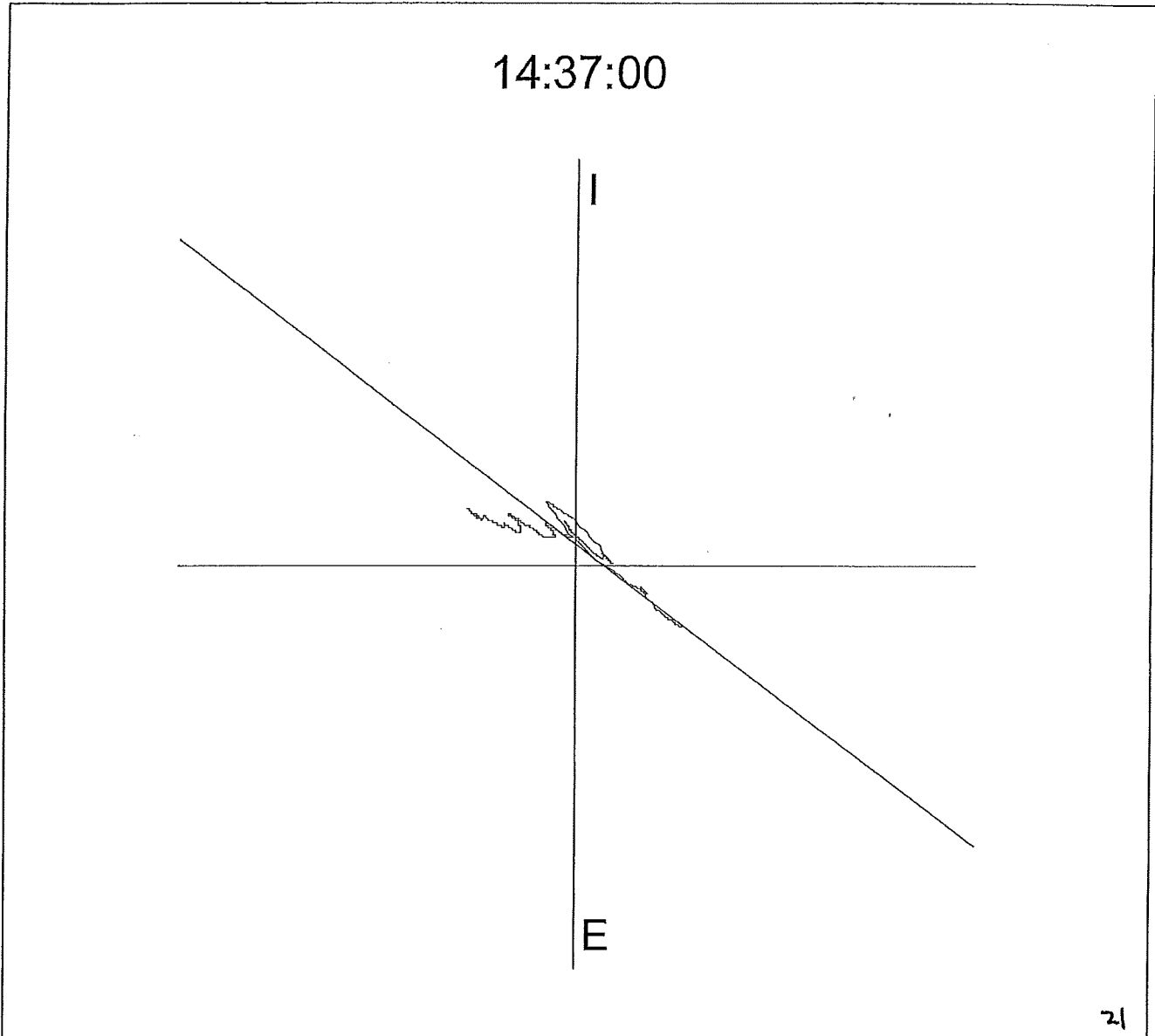
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Center For Asbestos Related Disease  
214 East 3rd Street  
Libby, MT, 59923

Name: MacDonald, Jason C	ID: 807045	BSA: 2.23	Date: 07/06/2015
Tech: Smith, Mark	Height: 70.20	Age: 38	DOB 01/15/1977
Doctor: Miller, Miles	Weight: 232.00	Sex: Male	Race: Caucasian

NHANES III

Time	TGV Select	Codes	TGV	TGV	TLC (Pleth)	TLC (Pleth)	RV (Pleth)	RV (Pleth)	Frequency absolute
			absolute	% p/c	absolute	% p/c	absolute	% p/c	
Predicted			3.47		6.97		1.81		
<b>Pre</b>									
14:37:00	*		3.18	91	6.13	88	1.95	107	54
AVG		R	3.18	91	6.13	88	1.95	107	54
<b>Post</b>									

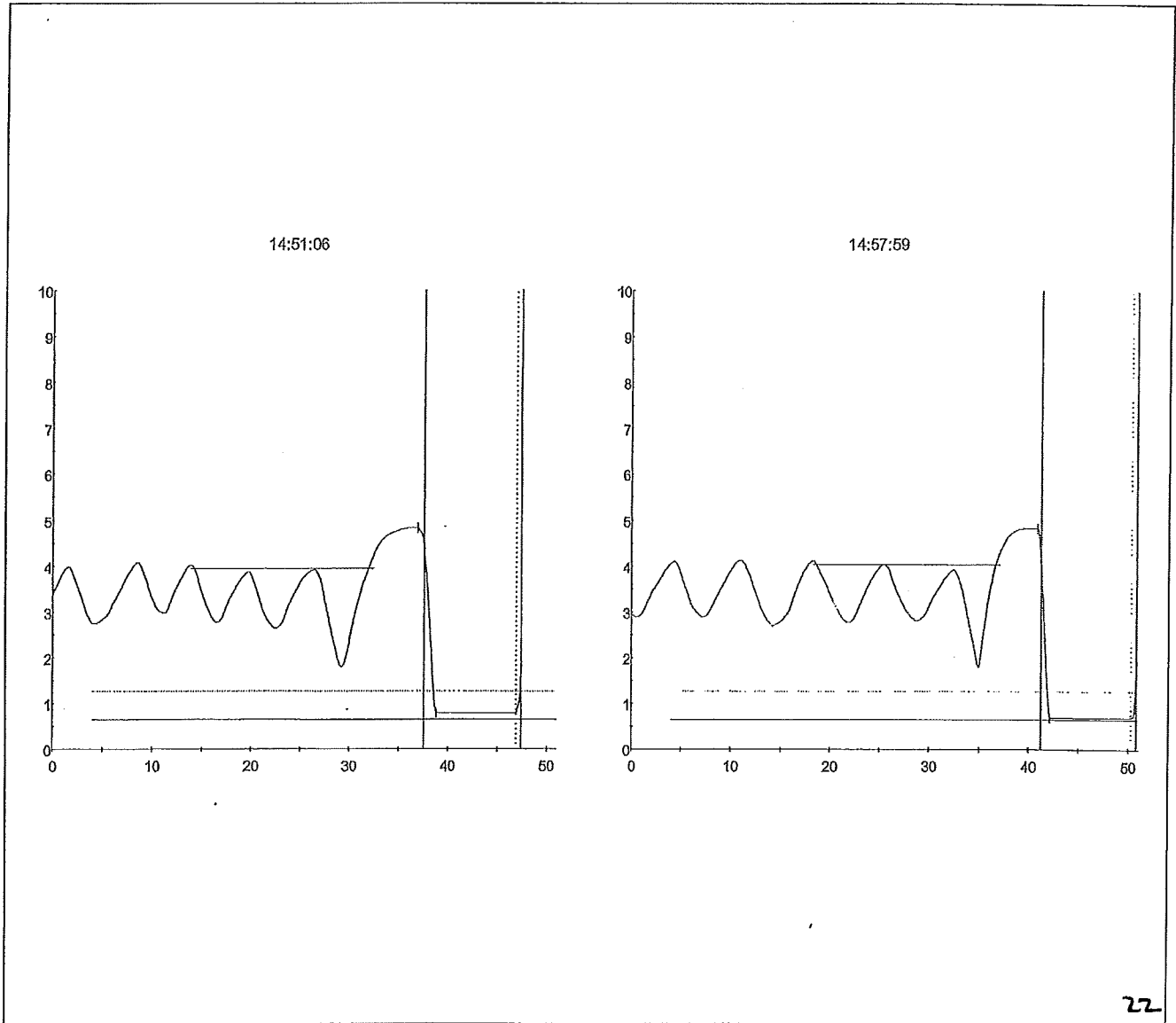


Center For Asbestos Related Disease  
 214 East 3rd Street  
 Libby, MT, 59923

Name: MacDonald, Jason C	ID: 807045	BSA: 2.23	Date: 07/06/2015
Tech: Smith, Mark	Height: 70.20	Age: 38	DOB 01/15/1977
Doctor: Miller, Miles	Weight: 232.00	Sex: Male	Race: Caucasian

NHANES III

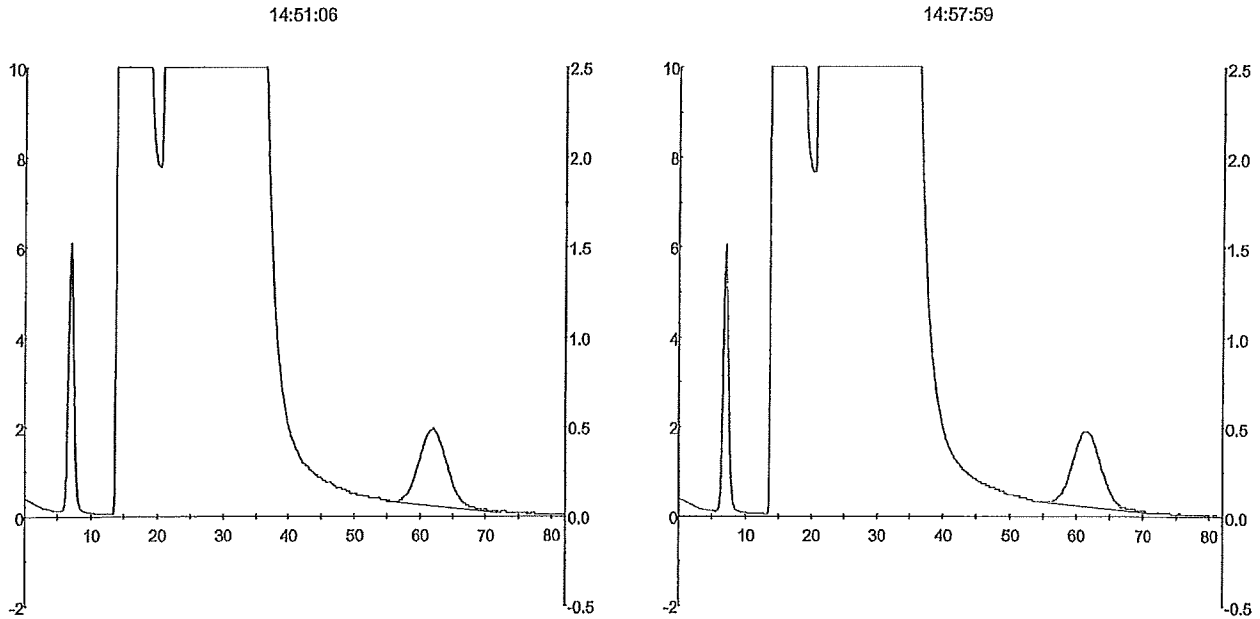
Time	Select	Codes	Protoc	DLCOunc absolute	DLCOunc % p/c	DLCOcor absolute	DLCOcor % p/c	DL/VA absolute	DL/VA % p/c
Predicted				33.45		33.45		4.80	
<b>Pre</b>									
14:51:06	*		Jones-	38.27	114			6.69	139
14:57:59	*		Jones-	41.60	124			7.05	146
AVG				39.94	119			6.87	143
<b>Post</b>									



Center For Asbestos Related Disease  
214 East 3rd Street  
Libby, MT, 59923

Name: MacDonald, Jason C	ID: 807045	BSA: 2.23	Date: 07/06/2015
Tech: Smith, Mark	Height: 70.20	Age: 38	DOB 01/15/1977
Doctor: Miller, Miles	Weight: 232.00	Sex: Male	Race: Caucasian

NHANES III



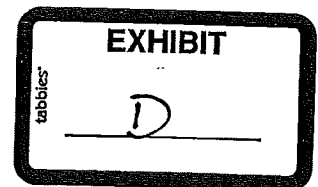
Center For Asbestos Related Disease  
214 East 3rd Street  
Libby, MT, 59923

Name: MacDonald, Jason C	ID: 807045	BSA: 2.23	Date: 07/08/2013
Tech: Smith, RT, Mark	Height: 70.20	Age: 36	DOB 01/15/1977
Doctor: Boltz, Michelle	Weight: 232.00	Sex: Male	Race: Caucasian

NIHANS III

--- SPIROMETRY ---	Pre-Bronch			Post-Bronch		
	<u>Actual</u>	<u>Pred</u>	<u>%Pred</u>	<u>Actual</u>	<u>%Pred</u>	<u>%Chng</u>
FVC (L)	4.31	5.40	79			
FEV1 (L)	3.47	4.33	80			
FEV1/FVC (%)	80	81	99			
FEF 25% (L/sec)	8.16	8.67	94			
FEF 75% (L/sec)	1.32	2.10	62			
FEF 25-75% (L/sec)	3.44	4.17	82			
PEF (L/min)	584.0					
FEF Max (L/sec)	9.73	10.27	94			
FIVC (L)	3.62					
PIF Max (L/sec)	5.46					
FEV6/FVC (%)	100	98	102			
FEV6 (L)	4.27	5.29	80			

Post-Test Comments: Good effort and cooperation



Name: MacDonald, Jason

DOB: 01/15/1977

Date: 07/08/2013

Name: Macdonald, Jason

DOB: 01/15/1977

MACDONALD, JASON 1073 (ORTHO PHYS AK)

Date:

Center For Asbestos Related Disease  
214 East 3rd Street  
Libby, MT, 59923

Name: MacDonald, Jason C	ID: 807045	BSA: 2.23	Date: 07/08/2013
Tech: Smith, RT, Mark	Height: 70.20	Age: 36	DOB: 01/15/1977
Doctor: Boltz, Michelle	Weight: 232.00	Sex: Male	Race: Caucasian

NHANES III

Diagnosis:

Dyspnea:

Tbco Prod:

Medications:

Pre Test Comments:

Post Test Comments: Good effort and cooperation.

Cough:

Yrs Smk:

Wheeze:

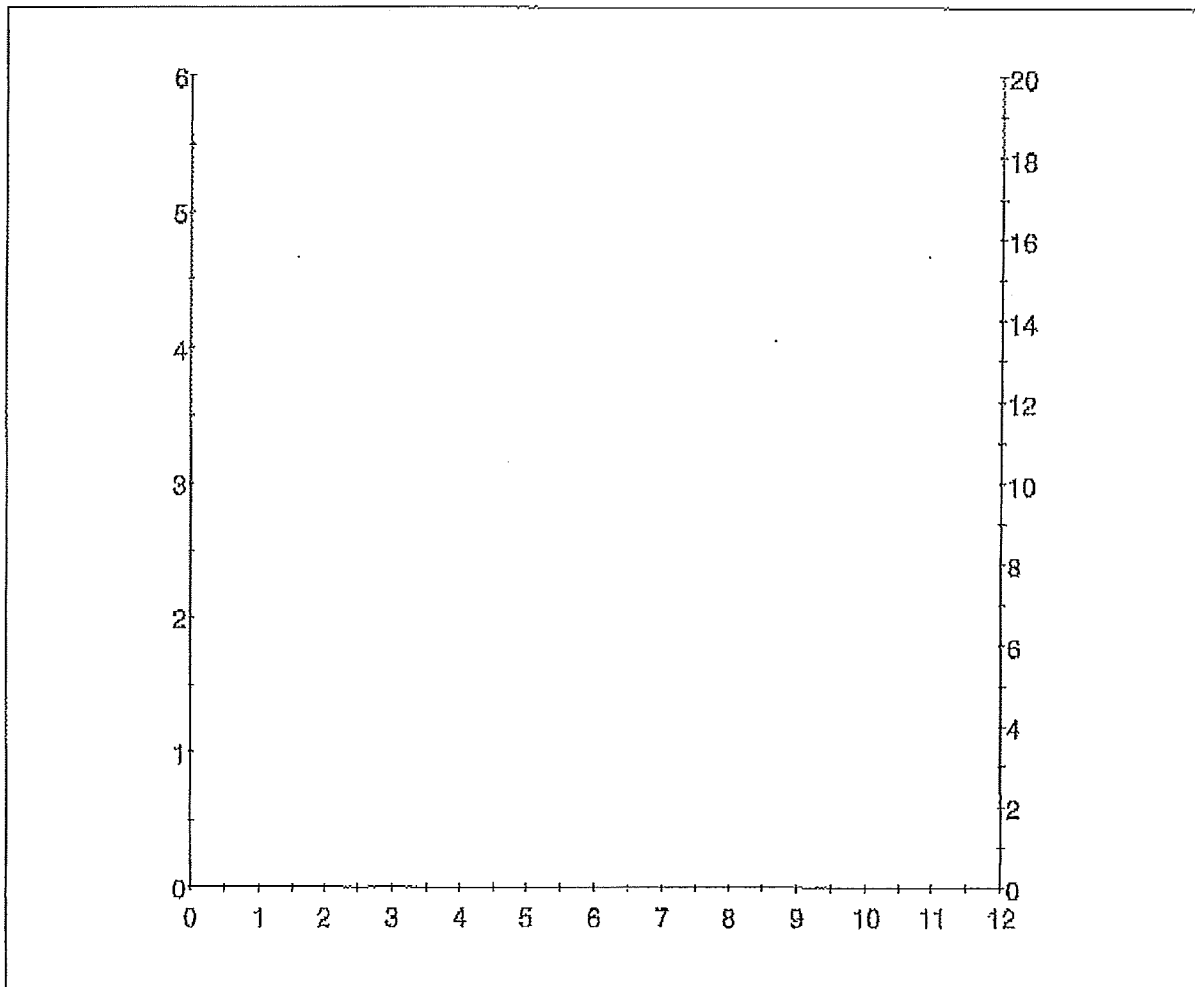
Pks/Day:

Yrs Quit:

Time	Select	Test Mode
------	--------	-----------

MVV absolute	MVV % p/c	TV absolute	RR absolute
171			

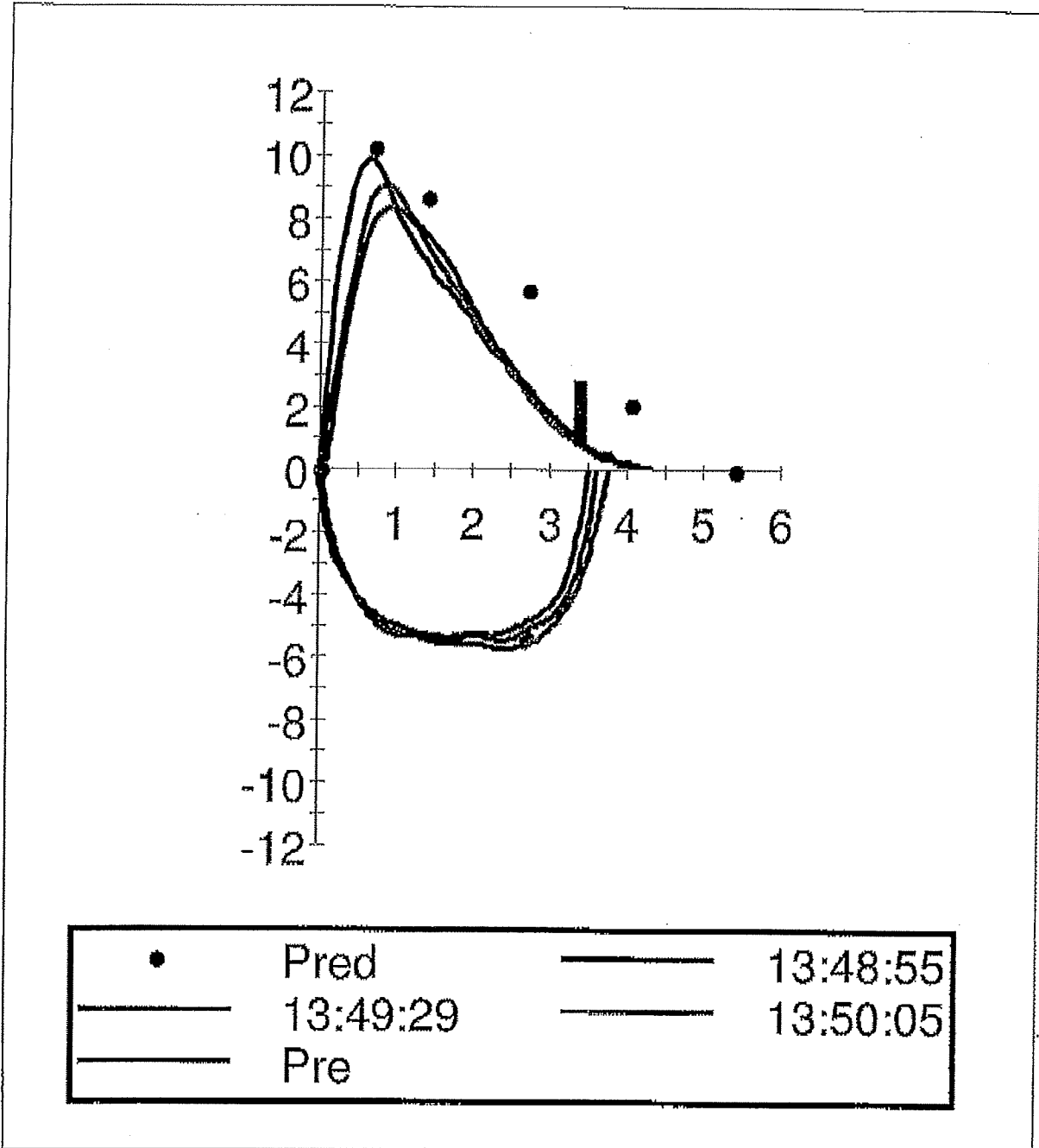
Predicted  
Pre



Center For Asbestos Related Disease  
214 East 3rd Street  
Libby, MT, 59923

Name: MacDonald, Jason C	ID: 807045	BSA: 2.23	Date: 07/08/2013
Tech: Smith, RT,, Mark	Height: 70.20	Age: 36	DOB 01/15/1977
Doctor: Boltz, Michelle	Weight: 232.00	Sex: Male	Race: Caucasian

NHANES III





Center for Asbestos Related Disease

MacDonald, Jason DOB: 01/15/1977 ID: 00000807045  
Encounter Date: 06/18/2018 09:30 AM

PATIENT: Jason MacDonald  
DATE OF BIRTH: 01/15/1977  
DATE: 06/18/2018 09:30 AM  
VISIT TYPE: Office Visit

This 41 year old male presents for Annual Visit.

History of Present Illness:

1. Annual Visit

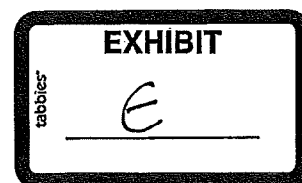
Dr. Black's note: Jason returns to the clinic today for re-evaluation of his asbestos related disease. Jason has been living in the Anchorage, AK area where he works as a health and physical education teacher. Prior to this he was born and grew up in Libby, he played sports in high school, including baseball, and was at the downtown baseball field and around the vermiculite on a frequent basis through the summer months. He actually played with the vermiculite material. He participated in other sport activities but started having problems through the hip region that was limiting some of his athletic endeavor. He continued to participate as much as he could. After high school he worked around the Libby area, but prior to that work he was involved working at the lumber mill and in the plywood facility. He also was working for a road construction company where he was outdoors doing roadwork around the Libby area, and recalls actually doing some road work up the Rainy Creek drainage at the location of the Libby vermiculite mine.

Jason has noted SOB with walking up inclines. He notes his chest problem does cause him difficulties at times, and it does interfere with his work activities, and actually had caused him to change his work. He is SOB walking up a single flight of stairs, and walks slower than other people his age. He notes he gets exhausted quite easily. He is not able to play in any of the sports he likes to play. He admits that some of that is contributed by his ankylosing spondylitis. He does get out of breath when he bends over. He is not able to carry heavy objects for any distance because of dyspnea. His problems with breathing had stopped him from doing at least one or two things that he would really like to do. He does not get significant chest discomfort. He notes occasional wheeze but really has not had any benefit from an inhaler. He said his spondylitis has been fairly well regulated with his HUMARA treatment, which has been on for the past 10yr.

CT of the chest was done today 06.18.18.

PROBLEM LIST:

Problem Description	Onset Date	Chronic	Clinical Status	Notes
Asbestos-induced		Y		



MacDonald, Jason C.. 00000807045 01/15/1977 06/18/2018 09:30 AM 1/5

pleural thickening

Medications (active prior to today)

Medication Name	Sig Description	Start Date	Stop Date	Refilled	Rx Elsewhere
Humira	Weekly injection	//			Y
Combivent Respimat 20 mcg-100 mcg/actuation solution for inhalation	inhale 1 puff by inhalation route PRN	//			Y

Medication Reconciliation

Medications reconciled today.

Review of Systems

System	Neg/Pos	Details
Constitutional	Positive	Fatigue, Night sweats.
Constitutional	Negative	Chills, Fever, Malaise, Weight gain and Weight loss.
ENMT	Positive	Hearing loss.
ENMT	Negative	Ear drainage, Nasal drainage, Otagia, Sinus pressure and Sore throat.
Eyes	Negative	Eye discharge, Eye pain and Vision changes.
Respiratory	Positive	Cough, Dyspnea, Wheezing.
Respiratory	Negative	Chronic cough and Known TB exposure.
Cardio	Positive	Chest pain.
Cardio	Negative	Edema.
Psych	Positive	Anxiety.
Psych	Negative	Depression and Insomnia.
MS	Positive	Back pain, Joint pain, Joint swelling, Muscle weakness.
Hema/Lymph	Negative	Easy bleeding and Easy bruising.
Allergic/Immuno	Positive	Seasonal allergies.
Allergic/Immuno	Negative	Contact allergy, Environmental allergies and Food allergies.

Vital Signs

Time	BP mm/Hg	Pulse /min	Resp /min	Temp F	Ht ft	Ht in	Ht cm	Wt lb	Wt kg	BMI kg/m2	BSA m2	O2 Sat%
9:27 AM	144/104	92			5.0	10.20	178.31	223.00	101.151	31.81		98
9:23 AM					5.0	10.20	178.31					

Measured By

Time	Measured by
9:27 AM	Mark Smith
9:23 AM	Mark Smith

Physical Exam

Exam	Findings	Details
General Exam	Comments	In general Jason appears in a very good state of health. His weight is down from 232lb on his visit in 2015. His pulse ox is 98% on room air. BP is elevated, primarily diastolic component. Pulse is normal. Overall health

Constitutional	Normal	appears very good.
Eyes	Normal	Well developed.
	Normal	Conjunctiva - Right: Normal, Left: Normal. Pupil - Right: Normal, Left: Normal.
Ears	Normal	Inspection - Right: Normal, Left: Normal.
Neck Exam	Normal	Inspection - Normal. Palpation - Normal.
Respiratory	Comments	Clear. No adventitious sounds are identified. PFTs: MVV 104%, showing good respiratory capacity, FVC 85%, FEV1 at 87%, lung volumes were not done. He did have a DLCO now at 142% of predicted. The spirometry falls within the norm and has improved a little since 2015, suggesting improved conditioning. DLCO remains very good. We have no PFT done prior to 2013 to have a well-established baseline for this patient.
Respiratory	Normal	Inspection - Normal. Auscultation - Normal. Effort - Normal.
Cardiovascular	Comments	Rhythm is regular. Normal S1/S2. No murmur.
Cardiovascular	Normal	Extremities - No edema.
Vascular	Normal	Pulses - Dorsalis pedis: Normal.
Skin	Normal	Inspection - Normal.
Musculoskeletal	Normal	Visual overview of all four extremities is normal.
Extremity	Comments	No edema or gross abnormality noted.
Extremity	Normal	No Edema.
Neurological	Normal	Memory - Normal. Cranial nerves - Cranial nerves II through XII grossly intact.
Psychiatric	Normal	Orientation - Oriented to time, place, person & situation. Appropriate mood and affect. Normal insight. Normal judgment.

#### Completed Orders (this encounter)

Order	Details	Reason	Side	Interpretation	Result	Initial Treatment Date	Region
Bronchospasm Evaluation				normal			
Carbonmonoxide Diffusing Capacity				normal			
Pulse Oximetry, Resting				normal			
CT CHEST W/O CONTRAST				pleural thickening	Chest CT appears similar to his previous CT study. He does have some very limited pleural thickening in the posterior lower chest mostly on the right. It is noncalcified but consistent with his diagnosis. Overall it appears stable.		

#### Assessment/Plan

#	Detail Type	Description
1.	Assessment Plan Orders	ARD lamellar pleural thickening (J94.1). Further diagnostic evaluations ordered today include(s) CT CHEST LOW DOSE W/O CONTRAST LCS to be performed in 1 Year and Chest CT WITHOUT Contrast to be performed in 1 Year. The patient had the following procedure(s) completed today:

MacDonald, Jason C.. 000000807045 01/15/1977 06/18/2018 09:30 AM 3/5

MACDONALD, JASON 0060 (CARD)

Bronchospasm Evaluation, Carbonmonoxide Diffusing Capacity, Pulse Oximetry, Resting, Spirometry in 1 Year, Pneumovax in 1 Year, Carbonmonoxide Diffusing Capacity in 1 Year and Thoracic Gas Volume in 1 Year. He is to schedule a follow-up visit with Brad Black, MD for Follow up 1 Year and He is to schedule a follow-up visit with Brad Black, MD for Follow up Today.

2. Assessment Impression Ankylosing spondylitis (720.0).  
Has been under fairly good control with HUMARA.
  3. Assessment Migraine headache (346.90).
  4. Assessment Personal history of renal stone (Z87.442).
  5. Assessment Impression ARD lamellar pleural thickening (J94.8).  
Limited pleural thickening in the posterior lower chest. The findings go along with his significant Libby amphibole exposure and early appearance of the pleural disease seen in the population.
- Patient Plan We will continue to follow Jason. Ideally if he can make it in one year we would like to monitor his pulmonary disease. He will contact us if he has any notable changes in his breathing or any unusual chest discomfort.

#### Diagnostic History Entered Today

Performed Study	Interpretation	Result
06/18/2018 CT CHEST W/O CONTRAST	pleural thickening	Chest CT appears similar to his previous CT study. He does have some very limited pleural thickening in the posterior lower chest mostly on the right. It is noncalcified but consistent with his diagnosis. Overall it appears stable.

#### Medications (Added, Continued or Stopped today)

Start Date	Medication	Directions	PRN Status	PRN Reason	Instruction	Stop Date
06/18/2018	alprazolam 0.5 mg tablet	take 1 -2 tablets by oral route prior to procedure	N			
	Combivent Respimat 20 mcg-100 mcg/actuation solution for inhalation	inhale 1 puff by inhalation route PRN	N			
	Humira	Weekly injection	N			

#### Diagnostic Services Ordered/Completed This Visit

Status	Test	Ordered	Ordering Comments	Modifier
MacDonald, Jason C.	000000807045	01/15/1977	06/18/2018 09:30 AM 4/5	

completed CT CHEST W/O  
CONTRAST

Interpretation Result

pleural thickening Chest CT appears similar to his previous CT study. He does have some very limited pleural thickening in the posterior lower chest mostly on the right. It is noncalcified but consistent with his diagnosis. Overall it appears stable.

Completed  
06/18/2018

The patient was checked out at 8:28 AM by Cathy Ann Jenkins.

Active Patient Care Team Members

Name	Contact	Agency Type	Support Role	Relationship	Active Date	Inactive Date	Specialty
Kara Macdonald			Emergency Contact	Spouse			

*Kevin Payne DO*

Center for Asbestos Related Disease

Document generated by: Pam Martens 06/27/2018 12:28 PM

Center for Asbestos Related Disease; 214 East 3rd Street | Libby, MT 59923  
Patient ID: 00000807045

## CERTIFICATE OF SERVICE

I, Anthony Michael Nicastro, hereby certify that I have served true and accurate copies of the foregoing Motion - Other to the following on 10-05-2018:

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: 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)  
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Dated: 10-05-2018