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IN THE MONTANA ASBESTOS CLAIMS COURT

IN RE ASBESTOS LITIGATION,

Consolidated Cases.

Cause No. AC 17-0694

Hon. Amy Eddy

**DEFENDANTS' RESPONSE TO NON-
 PARTIES CARD CLINIC'S AND CARD
 FOUNDATION'S MOTION FOR
 RELIEF FROM ORDER**

CARD Clinic and CARD Foundation ask for relief from the Court's September 26, 2018, Order concerning three categories of documents which CARD Clinic and CARD Foundation have been ordered to produce. CARD Clinic and CARD Foundation represent documents for all other categories either have been or will be produced within the Court's deadline.

Categories 1 & 2

CARD Clinic and CARD Foundation represent that by October 19, 2018, they will produce all outside reads not recently produced. That date is acceptable to Defendants.

CARD Clinic and CARD Foundation represent they will produce CARD's screening and pulmonary function tests databases. While CARD Clinic and CARD Foundation did not propose a date, Defendants agree those databases may be produced by October 19, 2018.

CARD Clinic and CARD Foundation and Defendants have agreed that as to medical records and other documents requested in Categories 1 & 2, those documents will be produced in three groups.

CARD Clinic and CARD Foundation will immediately produce all medical records and other documents requested for the plaintiffs in *Ward, et al. v. International Paper, et al.*; *MacDonald, et al. v. State, et al.*; *Barnes, et al. v. BNSF, et al.*; and *Hutt v. Maryland Casualty Company*. CARD Clinic and CARD Foundation will then produce the medical records and other documents for the claimants and plaintiffs on the “Active Docket.” Thereafter, CARD Clinic and CARD Foundation will then produce the medical records and other documents for the claimants and plaintiffs on the “Deferred Docket.” Defendants and CARD Clinic and CARD Foundation have agreed to work out dates on which the medical records and other documents for the claimants and plaintiffs on the Active and Deferred Dockets will be produced and if an agreement cannot be reached to re-address those dates with the Court.

Category 3

CARD Clinic and CARD Foundation indicate they can produce the invoices to ATSDR, parties involved with research projects, and insurance companies and individuals, but ask for six months to do so. Defendants have agreed with CARD Clinic and CARD Foundation that for the time being CARD Clinic and CARD Foundation may forego producing the invoices to insurance companies and individuals with the understanding that CARD Clinic and CARD Foundation will promptly produce the invoices to ATSDR and parties involved with research projects.

Defendants propose the invoices to ATSDR and parties involved with research projects be produced by no later than October 31, 2018.

Other Categories

CARD Clinic and CARD Foundation indicate they have either already produced all documents or will produce by the Court's deadlines all documents ordered to be produced in the other categories identified in the Court's order. Defendants believe there are other financial documents that have not been produced. Defendants also believe there are other documents concerning information CARD provided on behalf of claimants in the W.R. Grace bankruptcy proceedings and in the W.R. Grace criminal trial. Defendants have agreed to work with CARD Clinic and CARD Foundation to identify those documents and dates upon which they may be produced. If an agreement cannot be reached, this matter will be re-addressed with the Court.

Respectfully submitted this 12th day of October, 2018.

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