FILED

11/01/2018

CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number: AC 17-0694

Anthony M. Nicastro KNIGHT NICASTRO, LLC 401 North 31st Street, Suite770

Billings, MT 59101

Email: nicastro@knightnicastro.com

Telephone: (406) 702-1935 Facsimile: (303) 845-9299

IN THE ASBESTOS CLAIMS COURT OF THE STATE OF MONTANA

IN RE ASBESTOS LITIGATION,

Cause No. AC 17-0694

Consolidated Cases

MOTION FOR ADMISSION PRO HAC VICE

Defendant BNSF Railway Company, by and through it attorneys of record, Anthony Nicastro and the law firm of Knight Nicastro, LLC, applies for permission of special admission of counsel to appear *pro hac vice* before this Court in this matter. This application is made on the behalf of:

Erik H. Nelson Knight Nicastro LLC 519 Southwest Boulevard Kansas City, MO 64108

In support of this Application, movant further states as follows:

- 1. Defendant BNSF Railway Company is currently represented in this matter by Anthony Nicastro, Chad Knight, and Nadia Patrick of Knight Nicastro LLC. BNSF desires to be represented also by Erik H. Nelson of the law firm of the Knight Nicastro, in Kansas City, Missouri.
- 2. Movant, Mr. Nicastro is an attorney licensed to practice law in the State of Montana.
- 3. Mr. Nelson resides in the State of Kansas and is licensed to practice law in the State of Kansas and the State of Missouri. He is a member in good standing in the State Bar of

Kansas and in the State Bar of Missouri.

4. Mr. Nelson's Pro Hac Vice Application is attached and has been approved.

5. Mr. Nelson, as an attorney seeking admission pro hac, and undersigned local

counsel acknowledge the duties and obligations of local counsel under Uniform District Court

Rule 13 and commit to abide by the Rule as well as any Orders of this District and this Judge. The

Pro Hac Vice Application of Mr. Nelson acknowledges his understanding of, and agreement with,

Rule 13, that the admission is personal to him only and that he must do his own work.

6. The undersigned local counsel along with Chad Knight and Nadia Patrick have

and will participate actively in all phases of the case, including, but not limited to, attendance at

depositions and court proceedings, preparation of briefs and discovery requests and responses,

and all other activities to the extent necessary for local counsel to be prepared to go forward

with the case at all times.

7. The undersigned local counsel along with Chad Knight and Nadia Patrick will

be vested full and complete authority to act on behalf of BNSF and will sign all pleadings,

motions and briefs.

A proposed order is submitted contemporaneously with the filing of this Motion.

Respectfully submitted this the 1st Day of November, 2018.

s/Anthony M. Nicastro

Anthony M. Nicastro

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ATTORNEY FOR DEFENDANT

BNSF RAILWAY COMPANY

CERTIFICATE OF SERVICE

I hereby certify that I have served true and accurate copies of the foregoing Motion for Admission *Pro Hac Vice* to the following on November 1, 2018:

<u>Law Firm</u>	Counsel	Representing
Montana Supreme Court 920 South Main Kalispell, MT 59901	Honorable Judge Amy Poehling Eddy	Amy Eddy
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N.A.	Kathryn Kohn Troldahl kohnkathryn1@gmail.com	Heather M. Haney, Plaintiff
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	Randy J. Cox rcox@boonekarlberg.com	A.W. Chesterson Co.
	Zachary Aaron Franz zfranz@boonekarlberg.com	A.W. Chesterson Co.
	Thomas J. Leonard tleonard@boonekarlberg.com	Volkswagon of America, Inc.
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Suite 1900 Phoenix, AZ 85004-2202 Las Vegas: Hughes Center 3883 Howard Hughes Parkway Suite 1100 Las Vegas, NV 89169-5958 Salt Lake City: Gateway Tower West 15 West South Temple Suite 1200 Salt Lake City, UT 84101-1547 Denver: Tabor Center 1200 Seventeenth Street Suite 1900 Denver, CO 80202-5854	Vaughn A. Crawford vcrawford@swlaw.com	The Proctor & Gamble Company, et al.
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P.C. 101 River Drive North Milwaukee Station, 3rd Floor PO Box 2103 Great Falls, MT 59403	Maxon R. Davis max.davis@dhhtlaw.com	Continental Casualty Co.
Lewis Roca Rothgerber Christie 1200 Seventeenth Street Suite 3000 Denver, CO 80202	Michael D. Plachy mplachy@lrrc.com MAIL ONLY Conor A. Flanigan cflanigan@lrrc.com MAIL ONLY	Honeywell International
Michael Crill P.O. Box 145	Michael Crill MAIL ONLY	Self- Represented

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Rossbach Law, P.C. 401 N. Washington St. PO Box 8988 Missoula, MT 59807	William A. Rossback Bill@Rossbachlaw.com Michelle@Rossbachlaw.com	Michael Letasky
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1717 Pennsylvania Avenue NW Ste 1200 Washington, DC 20006	Kennedy C. Ramos kramos@eckertseamans.com	Maryland Casualty Corporation

This the 1st day of November, 2018.

S/Anthony M. Nicastro
Anthony M. Nicastro

Atty Status	Jurisdiction(s)
Discipline	NONE
Appearance:	Applicant Firm
MT Attorney	SBM ODC

(Boxes for State Bar use only.)

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10/22/18 Rumber
Data Received Staff Initials # 210 14
Fee Paid Check No.
Date Sent to Court or Agency

STATE BAR OF MONTANA P.O. Box 577, Helena, MT 59624

Street Address: 33 S. Last Chance Gulch, Suite 1B, Helena, MT 59601 Telephone: (406) 442-7660

Telephone: (406) 442-7660 Fax: (406) 442-7763

PRO HAC VICE APPLICATION

The original application must be submitted to the State Bar of Montana with a fee of \$495 for each *pro hac vice* appearance requested <u>and</u> a certificate of good standing from each state the attorney is a member of.

Phone which you are associated.) Kansas City City Overland Park	E-Mail Missouri 64108 State Zip
Kansas City City	
Kansas City City	
•	State Zip
Overland Park	
	Kansas 66221
City	State Zip
castro, LLC	303-815-6920 Daytime Phone Number
70 Billings	Montana 59101
City	State Zip
anding for each State only.	tted to practice and the dates of admission a . Do not include pro hac vice admissions. d State of Minnesota (inactive)
	hone number of the active methods which this application is be castro, LLC Billings City which you have been admit anding for each State only

of my pro hac vice admission.

7.

	If so, attach copies of all relevant court documents	or disciplinary doc	uments.	Yes	X NO
8.	Are you subject to <u>pending</u> disciplinary proceeding. If so, attach a description of the nature and status of			Yes eeding.	X No
9.	Do you maintain a residence in Montana?			Yes	X No
10.	Are you regularly employed in Montana?			Yes	X_ No
11.	Are you regularly engaged in the practice of law Montana?	or in substantial b	usiness or p	rofessional ac	
12.	Do you have an application for admission to the St	tate Bar of Montana	pending?	Yes	X No
13.	List the title of each <u>state</u> court and cause in Mo application to appear as counsel pro hac vice, the denied. (Do not list Federal court pro hac vice appear as	date of each applica			
	List the current title, court, and ca	use number for wh	ich you are	applying.	
	Title, Court, Cause #	County	Date	Granted:	(Yes, No)
A.	Previous Cases:				
В.	CURRENT Case: (please include County)				×47/18*991-1-4
В.	CURRENT Case: (please include County) Asbestos Claims Court of the State of Montan				<u> </u>
В.	• • • • • • • • • • • • • • • • • • • •				C 17-0694
B.	• • • • • • • • • • • • • • • • • • • •	a, In Re: Asbestos a, and procedural rulessional Conduct (ethe Montana discip	Litigation, (es of the State accept as to be inary process	Cause No AC te of Montana Rules 6.1-6.4 ss, and the Sta	. I further
	Asbestos Claims Court of the State of Montane I agree to comply with the applicable statutes, laws agree to be bound by the Montana Rules of Profesubmit to the jurisdiction of the Montana courts,	a, In Re: Asbestos a, and procedural rulessional Conduct (ethe Montana discipling during admission ethe Montana is subthe Montana Rules yer; or b) involves the practice of law	es of the Stat xcept as to inary proces n under this ject to the d of Profession at lawyer ho	te of Montana Rules 6.1-6.4 as, and the Sta application. disciplinary au all Conduct a	. I further) and will ate Bar of athority of nd that: a) or herself
14.	Asbestos Claims Court of the State of Montane I agree to comply with the applicable statutes, laws agree to be bound by the Montana Rules of Profisubmit to the jurisdiction of the Montana courts, Montana with respect to acts and omissions occurr I understand that a lawyer not admitted to practic Montana for conduct that constitutes a violation of involves the practice of law in Montana by that law out as practicing law in Montana; or c) involves to	a, In Re: Asbestos a, and procedural rulessional Conduct (ethe Montana discipling during admission ethe Montana is subthe Montana Rules yer; or b) involves the practice of law in or control.	es of the Stat xcept as to inary proces n under this ject to the d of Profession at lawyer ho in Montana	ce of Montana Rules 6.1-6.4 ss, and the Sta application. disciplinary aunal Conduct and Iding himself by another law ith the require	. I further) and will ate Bar of thority of nd that: a) for herself wyer over

agency if my standing or status changes in any of the jurisdictions in which I am admitted during the term

Are you currently suspended, disbarred, or otherwise not licensed to practice in any of the above courts?

- 18. I agree to provide the State Bar of Montana with the court or administrative agency's order to grant or deny this application. (All applications will be counted as an appearance unless the State Bar of Montana is advised the application was denied by the Court.)
- 19. I agree to notify the State Bar of Montana of any appeals if the case is referred to a higher court. (If the above action proceeds to a court of higher jurisdiction, I understand the appealed case will not be counted as an additional appearance.)
- 20. I agree to provide current certificates of good standing from the jurisdiction(s) in which I am admitted.
- 21. I understand that the \$495 assessment is an annual assessment and agree to promptly pay the assessment as long as this proceeding is pending before a Montana administrative agency or any Montana court (except federal court).

County of

The above statements are true based upon applicant's knowledge and belief. Further, I agree to submit to the pro hac vice rules, the Montana Rules of Professional Conduct, and the Montana Rules for Lawyer Disciplinary Enforcement.

Signature of Applicant

Subscribed and sworn to (or affirmed) before me this . 20 18.

CHARIDEE F. BELLAMY Notary Public - Notary Seal STATE OF MISSOURI Jacks of County

My Commission Expires Feb. 3, 2019 Commission # 15633146

Printed Name of Notary:

Notary Signature:

Notary Public for the State of:

Residing in: \

My commission expires:

ATTACH: Certificate(s) of Good Standing \$495.00 Pro Hac Vice Fee

Rules and information about pro hac vice are available on the State Bar's website at www.montanabar.org. Please direct questions to Sean O'Connor: soconnor@montanabar.org or (406) 447-2204.

CERTIFICATE OF SERVICE

I, Anthony Michael Nicastro, hereby certify that I have served true and accurate copies of the foregoing Motion - Pro Hac Vice - State Bar Certification and Application to the following on 11-01-2018:

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Service Method: eService

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Service Method: eService

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Service Method: eService

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Service Method: eService

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