

Roger Sullivan
Allan M. McGarvey
John F. Lacey
Ethan Welder
Dustin Leftridge
Jinnifer Jeresek Mariman
McGarvey, Heberling, Sullivan & Lacey, P.C.
345 First Avenue East
Kalispell, MT 59901
(406) 752-5566

Attorneys for MHSL Plaintiffs

IN THE ASBESTOS CLAIMS COURT FOR THE STATE OF MONTANA

IN RE ASBESTOS LITIGATION, <i>Consolidated Cases</i>	Cause No. AC 17-0694 PLAINTIFFS' REBUTTAL EXPERT DISCLOSURES <i>Barnes, et al. v. State of Montana, et al,</i> Lincoln County Cause No. DV-16-111
---	---

Pursuant to the Court's Scheduling Order dated August 29, 2018, and pursuant to Rule 26 M.R.Civ.P., Plaintiffs provide the following rebuttal expert witness disclosures. Plaintiffs incorporate as though fully restated herein *Plaintiffs Expert Disclosures* filed on October 26, 2018 as many of those opinions rebut opinions disclosed in *Defendants BNSF Railway Company and John Swing's Expert Witness Disclosure*. Additionally, Plaintiffs may call any or all of the following witnesses at trial to offer rebuttal expert witness testimony.

REBUTTAL EXPERT WITNESSES

1. **Mark S. Colella, MD**
Colella Consulting LLC
Allegheny Valley Hospital
1301 Carlisle St.
Natrona Heights, Pa. 15065

The subject matter and the substance of the facts and rebuttal opinions to which Dr. Colella is expected to testify, and a summary of the grounds for Dr. Colella's rebuttal opinions are contained in his report and referenced materials and literature attached hereto as **Exhibit 1**. A copy of Dr. Colella's CV is attached as **Exhibit 2**. To the extent Dr. Colella is deposed, Plaintiffs expect Dr. Colella's opinions will be consistent with those elicited in any such deposition.

Dr. Colella's opinions are based upon his education, training, and his review of the documents and materials set forth in his report. All of Dr. Colella's opinions are to a reasonable degree of medical probability.

2. **Ronald Dodson, PhD, FCCP, FAHA**
Dodson Environmental Consulting, LLC
ERI Analytical
2026 Republic Drive, Suite A
Tyler, Texas 75701

Dr. Dodson was previously disclosed in *Plaintiffs Expert Disclosures*. Plaintiffs incorporate that disclosure as though fully restated herein. Dr. Dodson will also opine that evaluating tissue sections for the presence of ferruginous bodies offers an insensitive method for their detection. Dr. Dodson will opine that his finding of ferruginous bodies in the digestate of the tissue indicate that Plaintiff Gerrie Flores had in the past inhaled fibers and that a population of those fibers consisted of those of sufficient length to stimulate formation of ferruginous bodies. Dr. Dodson will also opine that the evaluation of the fiber burden of Ms. Flores contained a unique fiber type designated as "Libby amphibole" that has been recognized as a carcinogen by Health Professionals as well as State and Federal agencies. Furthermore, he will opine that the population of "Libby amphiboles" found in the tissue digestate were all greater 8µm in length thus reflective of a residual population of "longer fibers" which are considered by some as the more

carcinogenically active forms. To the extent Dr. Dodson is deposed, Plaintiffs expect Dr. Dodson's opinions will be consistent with those elicited in any such deposition.

Dr. Dodson's opinions are based upon his education, training, experience, his inspection and testing of Plaintiff Gerrie Flores' tissues, and his review of the materials set forth in his report and CV. All of Dr. Dodson's opinions are to a reasonable degree of scientific and medical probability.

3. **Julie Hart, PhD, CIH**
Montana Tech
3490 Parkway Street
Butte, MT 59701

Dr. Hart was previously disclosed in *Plaintiffs Expert Disclosures*. Plaintiffs incorporate that disclosure as though fully restated herein. Additionally, the subject matter and substance of the facts and rebuttal opinions to which Dr. Hart is expected to testify, and a summary of the grounds for Dr. Hart's rebuttal opinions are contained in her report and referenced documents and literature attached hereto as **Exhibit 3**. To the extent Dr. Hart is deposed, Plaintiffs expect Dr. Hart's opinions will be consistent with those elicited in any such deposition.

Dr. Hart's opinions are based upon her education, training, research regarding Libby, Montana, her experience in the field of toxicology and industrial hygiene, her multiple visits to Libby Montana, her interviews of fact witnesses, and her review of the documents and materials set forth in her report. All of Dr. Hart's opinions are to a reasonable degree of scientific probability.

4. **Julian Marshall, PhD**
University of Washington
Department of Civil and Environmental Engineering
268 Wilcox Hall
Seattle, WA 98195-2700

Dr. Marshall was previously disclosed in *Plaintiffs Expert Disclosures*. Plaintiffs incorporate that disclosure as though fully restated herein. Additionally, the subject matter and substance of the facts and rebuttal opinions to which Dr. Marshall is expected to testify, and a summary of the grounds for Dr. Marshall's rebuttal opinions are contained in his report and referenced documents and literature attached hereto as **Exhibit 4**. To the extent Dr. Marshall is deposed, Plaintiffs expect Dr. Marshall's opinions will be consistent with those elicited in any such deposition.

Dr. Marshall's opinions are based upon his education, training, experience, his visits to Libby, Montana, and his review of the materials set forth in his report. All of Dr. Marshall's opinions are to a reasonable degree of probability.

5. **Claire Michael, MD**
Case Western Reserve University/
University Hospitals Cleveland Health Center
Department of Pathology
11100 Euclid Avenue
Cleveland, OH 44106

Dr. Michael was previously disclosed in *Plaintiffs Expert Disclosures*. Plaintiffs incorporate that disclosure as though fully restated herein. Additionally, the subject matter and substance of the facts and rebuttal opinions to which Dr. Michael is expected to testify, and a summary of the grounds for Dr. Michael's rebuttal opinions are contained in her report and referenced materials and literature attached hereto as **Exhibit 5**. To the extent Dr. Michael is deposed, Plaintiffs expect Dr. Michael's opinions will be consistent with those elicited in any such deposition.

Dr. Michael's opinions are based upon her education, training, experience, her inspection and testing of Plaintiff Rhonda Braaten's tissues, and her review of the medical records and

materials set forth in her report. All of Dr. Michael's opinions are to a reasonable degree of scientific and medical probability.

6. **Carrie Redlich, MD, MPH**
Yale Occupational and Environmental Health Sciences
367 Cedar Street
ESHA 2nd Floor
New Haven, CT 06510

Dr. Redlich was previously disclosed in *Plaintiffs Expert Disclosures*. Plaintiffs incorporate that disclosure as though fully restated herein. Additionally, the subject matter and substance of the facts and rebuttal opinions to which Dr. Redlich is expected to testify, and a summary of the grounds for Dr. Redlich's rebuttal opinions are contained in her report and referenced documents and literature attached hereto as **Exhibit 6**. To the extent Dr. Redlich is deposed, Plaintiffs expect Dr. Redlich's opinions will be consistent with those elicited in any such deposition.

Dr. Redlich's opinions are based upon her education, training, experience, her examination of Plaintiffs Tracie Barnes and Gerrie Flores, her visit to Libby, and her review of the medical records and materials set forth in her report. All of Dr. Redlich's opinions are to a reasonable degree of scientific and medical probability.

7. To the extent the Court allows Defendants to disclose any future or untimely expert reports and/or disclosures in this case, Plaintiffs reserve the right to offer rebuttal opinions thereto.

8. Plaintiffs reserve the right to supplement rebuttal expert opinions disclosed herein based on review of BNSF's documents the Court has compelled to be produced as well as documents received in response to any subpoenas and Freedom of Information Act requests issued by Plaintiffs due to BNSF's failure to produce requested documents.

DATED this 9th day of November, 2018.

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

By: /s/ Jinnifer J. Mariman
JINNIFER J. MARIMAN
Attorney for Plaintiffs

CERTIFICATE OF SERVICE

I, Roger M. Sullivan, hereby certify that I have served true and accurate copies of the foregoing
Other - Other to the following on 11-09-2018:

Amy Poehling Eddy (Attorney)
920 South Main
Kalispell MT 59901
Representing: Amy Eddy
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)
345 1st Avenue East
Kalispell MT 59901
Representing: Adams, et al
Service Method: eService

Ethan Aubrey Welder (Attorney)
345 1st Avenue East
Kalispell MT 59901
Representing: Adams, et al
Service Method: eService

Dustin Alan Richard Leftridge (Attorney)
345 First Avenue East
Montana
Kalispell MT 59901
Representing: Adams, et al
Service Method: eService

Charles J. Seifert (Attorney)
P.O. Box 598
Helena MT 59624
Representing: Ford Motor Company, Maryland Casualty Corporation
Service Method: eService

Kennedy C. Ramos (Attorney)
1717 Pennsylvania Avenue NW
1200
wash DC 20006
Representing: Maryland Casualty Corporation
Service Method: eService

Edward J. Longosz (Attorney)
1717 Pennsylvania Avenue NW
Suite 1200
Washington DC 20006
Representing: Maryland Casualty Corporation
Service Method: eService

Jinnifer Jeresek Mariman (Attorney)
345 First Avenue East
Kalispell MT 59901
Representing: Adams, et al
Service Method: eService

Electronically Signed By: Roger M. Sullivan
Dated: 11-09-2018