

02/04/2019

Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number: AC 17-0694

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IN THE SUPREME COURT OF THE STATE OF MONTANA

IN RE ASBESTOS LITIGATION, <i>Consolidated Cases</i>	Cause No. AC 17-0694 THIS DOCUMENT RELATES TO: <i>Tracie Barnes, et. al. v. BNSF Railway, et. al.</i> Lincoln County Cause No: DV-16-111
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**BNSF'S NOTICE OF VIRTUAL DEPOSITION DUCES TECUM OF PLAINTIFFS'
 EXPERT WITNESS DR. MARK S. COLELLA**

TO: Dr. Mark S. Colella
c/o Jinnifer Mariman
McGarvey, Heberling, Sullivan & Lacey, P.C.
345 First Ave. East
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Testimony: **PLEASE TAKE NOTICE** that pursuant to Montana Rules of Civil Procedure 30, **YOU ARE COMMANDED** to appear at the time, date and place set forth below to testify at a deposition to be taken in this civil action.

PLACE: Northern Tier Regional Library, 4015 Dickey Road, Gibsonia, PA, 15044

DATE & TIME OF DEPOSITION: Tuesday, February 26, 2019 at 1:00 p.m. EST

The deposition will be taken before an official court reporter or some other person authorized to administer oaths. Defendant, BNSF, provides notice to Plaintiff and the other parties to this action that the deposition may be used at the time of trial in the above-captioned matter. Counsel for BNSF will appear via Veritext Virtual

Defendant requests Dr. Colella to produce at the time and place of his deposition or before the following:

1. A copy of your current curriculum vitae or resume;
2. A listing of all cases in which, during the previous four years, you have testified as an expert at trial or by deposition;
3. A copy of your current fee and cost schedule for expert testimony, consulting, preparation, record review and/or other services.
4. A copy of all invoices and bills submitted for services rendered, and for payments received for your services rendered in this case.
5. The data or other information considered by Dr. Colella in forming his opinions in this case.
6. A copy of your complete file, including but not limited to, any personal and/or business notes, records, telephone messages, emails, and text messages regarding *Tracie Barnes, Kenneth Braaten, Personal Representative for the Estate of Rhonda Braaten and Gerri Flores v. BNSF Railway Company*
7. A complete copy of each and every document provided to you by the Plaintiffs regarding the Defendant.
8. A complete copy of each and every document in your entire file related to the above-mentioned matters.
9. True and complete copies of all emails, text messages, documents, records, notes, photographs, maps, films, audio tapes, videotapes, CD's, and any and all documentation reviewed by you in conducting your evaluation as an expert in this matter, including, but not limited to reports and other documents that you specifically relied upon in rendering your opinions in this case, any handwritten or typed notes of any kind, and all documents completed by you regarding your evaluation of and consideration of this claim.

Date: February 4, 2019

Knight Nicaastro, LLC
Respectfully submitted,

/s/ James Roberts

Chad Knight

Anthony Nicaastro

James Roberts

Nadia Patrick

Attorneys for BNSF Railway Company and John Swing

CERTIFICATE OF SERVICE

I hereby certify that the original of the foregoing was sent via ECF to the Clerk of Supreme Court of Montana, In Re Asbestos Litigation and a copy was served upon the following counsel of record by Email and U.S. Mail on this 4th day of February, 2019:

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James Roberts

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I, James E. Roberts, hereby certify that I have served true and accurate copies of the foregoing Notice - Other to the following on 02-04-2019:

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Dated: 02-04-2019