

02/12/2019

Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number: AC 17-0694

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

| | |
|--|--|
| <p>IN RE ASBESTOS LITIGATION, <i>Consolidated Cases</i></p> | <p>Cause No. AC 17-0694 NOTICE RE: FILING OF MASTER CLAIMS LIST <i>Applicable to All Cases</i></p> |
|--|--|

Per the Court's order on September 24, 2018, MHSL Plaintiffs file this updated Master Claims list that includes (1) a delineated category of severity; and (2) the identification of whether an individual is on the deferred or active docket.

The placement of an individual on the deferred docket requires the individual to fall within the "Normal" or "Mild" category per this Court's order of September 13, 2018.

The categories on the Master Claims list are determined by the following rules:

| | |
|----------|--------------------------------|
| Normal | $\geq 80\%$ of FVC, TLC, DLCO; |
| Mild | 70%-79% of FVC, TLC, DLCO; |
| Moderate | 60%-69% of FVC, TLC, DLCO; |
| Severe | $\leq 59\%$ of FVC, TLC, DLCO |

These definitions follow the categories utilized in previous settlements with the State, IP and BNSF, and are based on accepted medical criteria such as the American Thoracic Society and the American Medical Association Guides to Permanent Impairment. *See* American Thoracic Society, *Lung Function Testing: Selection of Reference Values and Interpretative Strategies*, *Am Rev Respir Dis*, 144:1002-1218 (1991), Table 13. *See also* American Medical Association, *Guides to the Evaluation of Permanent Impairment* (6th Edition 2009), Table 5-4.

Respectfully submitted this 12th day of February 2019.

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

By: /s/ Dustin Leftridge
DUSTIN LEFRIDGE
Attorney for MHSL Plaintiffs

CERTIFICATE OF SERVICE

I, Dustin Alan Richard Leftridge, hereby certify that I have served true and accurate copies of the foregoing Notice - Other to the following on 02-12-2019:

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)
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

Robert J. Phillips (Attorney)
Garlington, Lohn & Robinson, PLLP
P.O. Box 7909
Missoula MT 59807
Representing: BNSF Railway Company
Service Method: eService

Emma Laughlin Mediak (Attorney)
Garlington, Lohn & Robinson, PLLP
P.O. Box 7909
Missoula MT 59807
Representing: BNSF Railway Company
Service Method: eService

Robert B. Pfennigs (Attorney)
P.O. Box 2269
Great Falls MT 59403
Representing: Stimson Lumber Company, Zurn Industries, Inc., Mazda Motor of America, Inc.
Service Method: eService

Ben A. Snipes (Attorney)
Kovacich Snipes, PC
P.O. Box 2325
Great Falls MT 59403
Representing: Backen et al, Sue Kukus, et al
Service Method: eService

Mark M. Kovacich (Attorney)
Kovacich Snipes, PC
P.O. Box 2325
Great Falls MT 59403
Representing: Backen et al, Sue Kukus, et al
Service Method: eService

Ross Thomas Johnson (Attorney)
P.O. Box 2325
Great Falls MT 59403
Representing: Backen et al, Sue Kukus, et al
Service Method: eService

Dale R. Cockrell (Attorney)
145 Commons Loop, Suite 200
P.O. Box 7370
Kalispell MT 59904
Representing: State of Montana
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

Chad M. Knight (Attorney)
929 Pearl Street
Ste. 350
Boulder CO 80302
Representing: BNSF Railway Company
Service Method: eService

Anthony Michael Nicastro (Attorney)
401 North 31st Street
Suite 770
Billings MT 59101
Representing: BNSF Railway Company
Service Method: eService

Nadia Hafeez Patrick (Attorney)
929 Pearl Street Suite 350
Boulder CO 80302
Representing: BNSF Railway Company
Service Method: eService

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

Stephanie A. Hollar (Attorney)
P.O. Box 2269
Great Falls MT 59403
Representing: Stimson Lumber Company
Service Method: eService

James E. Roberts (Attorney)
283 West Front Street
Suite 203
Missoula MT 59802

Representing: BNSF Railway Company
Service Method: eService

Jacy Suenram (Attorney)
P.O. Box 2325
Great Falls MT 59403
Representing: Backen et al
Service Method: eService

William Adam Duerk (Attorney)
283 West Front Street
Suite 203
Missoula MT 59802
Representing: BNSF Railway Company
Service Method: eService

Electronically Signed By: Dustin Alan Richard Leftridge
Dated: 02-12-2019