

ORIGINAL

FILED

04/16/2019

Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA

IN THE SUPREME COURT OF THE STATE OF MONTANA

OP 19-0085 and OP 19-0088

BNSF RAILWAY COMPANY

Petitioner,

v.

THE ASBESTOS CLAIMS COURT OF THE
STATE OF MONTANA, HONORABLE AMY
EDDY, Presiding Judge,

Respondent.

FILED

APR 16 2019

Bowen Greenwood
Clerk of Supreme Court
State of Montana

ORDER

Pending before this Court are two petitions for writ of supervisory control filed by Petitioner BNSF Railway Company over the Asbestos Claims Court in Cause No. AC-17-0694 to reverse rulings of that court which granted partial summary judgment in favor of Plaintiffs on certain issues in this litigation. Pursuant to orders of this Court, Plaintiffs filed responses to the petitions, and BNSF then filed reply briefs with leave of Court.

BNSF has requested that this Court allow more extensive briefing in these matters pursuant to M. R. App. P. 14(7)(b) because it alleges it was unable to fully set forth its argument within the word limitations of M. R. App. P. 14(9)(b). Plaintiff does not believe additional briefing is necessary. The Court determines it appropriate to order full briefing.

In the interest of judicial economy, these causes are consolidated under Cause No. DA 19-0085. Thus, the parties are directed to file one set of briefs addressing the issues of law presented in both writ petitions.

IT IS THEREFORE ORDERED that the Court will take supervisory control to consider the Asbestos Claims Court's rulings of January 15 and 18, 2019, which each partially granted Summary Judgment in Plaintiffs' favor. Consolidated briefing will

proceed in accordance with the Montana Rules of Appellate Procedure, with the opening brief of Petitioner BNSF Railway Company due within thirty days of this Order.

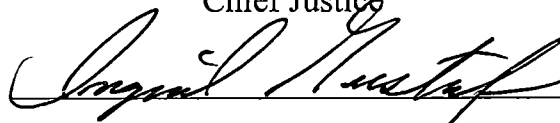
IT IS FURTHER ORDERED that further proceedings in this case are STAYED pending resolution of this Writ pursuant to M. R. App. P. 14(7)(c).

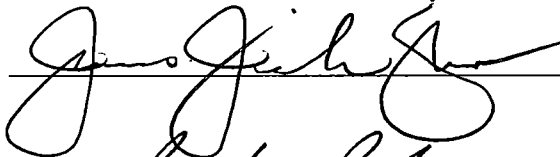
Finally, given the limited issues before it, the Court does not see the need at this juncture to direct transmittal of the entire Asbestos Claims Court record, nor does it see the need for the parties to submit additional portions of the record, given the extent of the appendices the parties have filed with their summary briefs.

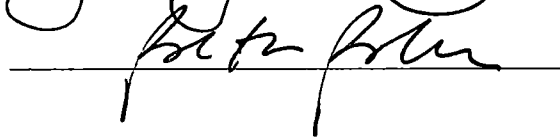
The Clerk is directed to provide immediate notice of this Order to counsel for Petitioner, to all counsel of record in Asbestos Claims Court Cause No. AC-17-0694 and in Lincoln County Cause No. DV-16-111, and to the Honorable Amy Eddy, presiding Asbestos Claims Court Judge, and to the Honorable Matthew Cuffe, presiding District Judge in Lincoln County Cause No. DV-16-111.

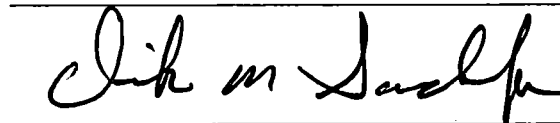
DATED this 14th day of April, 2019.


Chief Justice










Justices