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IN THE ASBESTOS CLAIMS COURT FOR THE STATE OF MONTANA

IN RE ASBESTOS LITIGATION, <i>Consolidated Cases</i>	Cause No. AC 17-0694 PLAINTIFFS' EXPERT DISCLOSURES Applicable to: <i>Boswell, et al. v. International Paper, et al.</i> Cascade County Cause No. DDV-11-0083
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COME NOW, Plaintiffs Myrna Boswell and Patricia Kenworthy, by counsel, pursuant to the Court's Scheduling Order dated February 19, 2019, and pursuant to Rule 26 M.R.Civ.P., to provide the following expert witness disclosures. Plaintiffs reserve the right to amend this disclosure and/or provide additional disclosures of expected opinion testimony and/or rebuttal testimony once discovery is completed and as may be required/allowed by the Court's Scheduling Order. Plaintiff may call any or all of the following witnesses at trial to offer expert witness testimony.

EXPERT WITNESSES

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

Dr. Redlich is highly experienced in the field of pulmonary medicine, and occupational and environmental medicine, and has published prolifically in peer reviewed journals on these topics. She is also actively involved with, and has served in several leadership positions with, the American Thoracic Society, which provides the primary criteria for diagnosis of asbestos disease. It is anticipated that Dr. Redlich will testify regarding the diagnosis, progression, care, and treatment of Plaintiffs' asbestos related disease, as well as how the manifestation of Plaintiffs' disease is consistent with the asbestos disease observed in Libby. It is anticipated that Dr. Redlich will also testify regarding the progression and ultimate outcome of the disease, including the nature of and need for end of life care.

Dr. Redlich is expected to testify and opine with a reasonable degree of scientific and medical certainty regarding asbestos related issues. Dr. Redlich will testify about asbestos-related diseases and their symptoms, and about the occupational mechanics of exposure to asbestos. Dr. Redlich will testify about Mr. Boswell's and Ms. Kenworthy's occupational and environmental sources of exposure to asbestos, and opine that the asbestos sourced from the operations of International Paper's predecessors in interest were significant factors in causing Plaintiffs' asbestos related disease.

Dr. Redlich will testify that based upon her review of medical records, x-rays and bills for medical services, that such bills are reasonable and necessary. Dr. Redlich will testify about asbestos medicine generally, including but not limited to the effect of asbestos exposure upon the human body, various disease processes and medical prognosis, including future expenses as a result of exposure at the lumbermill. Dr. Redlich will testify regarding Plaintiff's medical condition, prognosis, the expected course of disease, and likely necessary care associated with his condition. Dr. Redlich will also opine that Mr. Boswell's death was more probably than not due to asbestosis. Additionally, as a specialist in occupational and environmental health, she will testify about the development of the

medical, scientific, public health and regulatory communities' knowledge of the hazardous nature of asbestos, bystander exposures, the link between occupational and non-occupational exposures – including exposures to household members – to airborne asbestos, the occurrence of asbestos-related disease in those exposed to asbestos, and then current state of the art knowledge, practices, standards of care, and obligations. Dr. Redlich is expected to testify that the asbestos content placed into the stream of commerce by Defendants constituted a defective condition and rendered the products unreasonably dangerous.

Dr. Redlich will testify regarding her review and approval of Jennifer Crowley's life care plan, and associated assessments and projections. Dr. Redlich will testify that the projected costs therein are reasonable and likely necessary.

To the extent Dr. Redlich is deposed or offers any rebuttal opinions in this matter, Plaintiffs expect her opinions will be consistent with those elicited in any such deposition or contained in any such rebuttal report.

Dr. Redlich will testify regarding her review and knowledge of medical and scientific literature, her education and work experience, her research, and the research of others. Dr. Redlich's opinions will be made to a reasonable degree of medical and/or scientific probability. Dr. Redlich is expected to reference and rely upon opinions and materials referenced or discussed in the records, reports, testimony, and disclosures of Plaintiffs' other experts and medical providers. A non-comprehensive list of literature Dr. Redlich may reference or rely upon is submitted with this disclosure as Exhibit D.

2. Mark Colella, MD

Colella Consulting LLC
Allegheny Valley Hospital
1301 Carlisle Street
Natrona Heights, PA 15065

Dr. Colella is a Board certified Diagnostic Radiologist. He is a certified B-reader

through the National Institute of Occupational Safety & Health (NIOSH), and serves in such
Plaintiffs' Expert Disclosures

capacity for NIOSH on several occupational dust exposure programs. It is anticipated that Dr. Colella will testify generally regarding pulmonary radiology, the radiographic manifestations of asbestos disease, including disease related to Libby asbestos exposure, and his interpretations of the Plaintiffs' chest images.

Dr. Colella's opinions will be based upon his education, training, experience in the field of medicine, and his review of the medical records and materials. All of Dr. Colella's opinions will be to a reasonable degree of scientific and medical probability.

3. Terry Spear, PhD
Montana Tech
1300 West Park Street
Butte, MT 59701

The subject matter and substance of the facts and opinions to which Dr. Spear is expected to testify, and a summary of the grounds for Dr. Spear's opinions are contained in his statement of opinions attached hereto as **Exhibit A**. To the extent Dr. Spear is deposed or offers any rebuttal opinions in this matter, Plaintiffs expect Dr. Spear's opinions will be consistent with those elicited in any such deposition or contained in any such rebuttal report.

Dr. Spear's opinions are further based upon his education, training, research regarding Libby, experience in the field of industrial hygiene, his multiple visits to Libby, Montana, and his review of the records and materials set forth in his report, as well as upon many conversations with Libby residents, many with specific knowledge and experience related to the facilities and operation of the Libby lumber mill. All of Dr. Spear's opinions are to a reasonable degree of scientific probability.

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

The subject matter and substance of the facts and opinions to which Dr. Hart is expected to testify, and a summary of the grounds for Dr. Hart's opinions are contained in her report and Plaintiffs' Expert Disclosures

referenced literature attached hereto as **Exhibit B**. To the extent Dr. Hart is deposed or offers any rebuttal opinions in this matter, Plaintiffs expect Dr. Hart's opinions will be consistent with those elicited in any such deposition or contained in any such rebuttal report.

It is anticipated the Dr. Hart will opine that the asbestos sourced from the operations of International Paper's predecessors in interest was a significant factor in causing Plaintiffs' asbestos related disease.

It is further anticipated that Dr. Hart is expected to testify regarding the Defendants' actions as retailers of asbestos containing products that were in a defective condition and were unreasonably dangerous to Plaintiffs. Dr. Hart is expected to testify that the unreasonably dangerous condition of the asbestos containing products would not have been obvious to Mr. Boswell and Ms. Kenworthy and that the products were used and/or handled in a manner consistent with that intended and/or suggested by the manufacturers, wholesalers, and/or retailers of those respective products. It is anticipated that Dr. Hart will testify that the exposure to these asbestos containing products were likely a significant factor in the Plaintiffs' exposures to asbestos.

Dr. Hart's opinions are further based upon her education, training, research regarding Libby, Montana, experience in the field of toxicology and industrial hygiene, her multiple visits to Libby Montana, and her review of the records and materials set forth in her report, as well as upon many conversations with Libby residents, many with specific knowledge and experience related to the facilities and operation of the Libby lumber mill. All of Dr. Hart's opinions are to a reasonable degree of scientific probability.

5. Jennifer Crowley, RN, CLCP, MSCC
Eagleview West Life Care Planning
PO Box 333
Kila, MT 59920

It is anticipated that Ms. Crowley will prepare a Life Care Plan for each of the Plaintiffs, which will provide a detailed review of current and future care needs as they relate to

each Plaintiffs' condition.

Jennifer Crowley's opinions will be based upon her education, training, experience in the field of nursing and life care planning, her visits to Plaintiffs' homes, her meetings with Plaintiffs, and her review of their medical records and other materials. All of Jennifer Crowley's opinions will be to a reasonable degree of probability.

6. Reed Gunlikson, CPA MBA

R. Gunlikson CPA & Consultants
22 Second Avenue West, Suite 3300
Kalispell, MT 59901

It is anticipated that Mr. Gunlikson will review the Life Care Plans prepared by Ms. Crowley and perform an analysis and offer his opinions on the present value of the LCP's.

Reed Gunlikson's opinions will be based upon his education, training, experience in the field of accounting and finance. All of Reed Gunlikson's opinions will be to a reasonable degree of probability.

7. Attached as **Exhibit C** are CV's reflecting the qualifications of the above experts.

8. Plaintiffs reserve the right to call any expert disclosed by another party to this case provided the expert testimony is otherwise admissible.

9. Plaintiffs may call any expert necessary for rebuttal or impeachment.

10. Plaintiffs may call any expert to be disclosed at a later date pursuant to the Court's Scheduling Order.

11. Reservations: Plaintiffs reserve the right to supplement or amend this disclosure to the extent that discovery has not been completed and to submit such other expert reports as may become necessary by the fruits of discovery. Furthermore, because discovery is ongoing, the need for additional expert testimony may arise in order to rebut the facts and opinions to which the IP's experts may testify. Plaintiffs will supplement its disclosures in accordance to Rule 26 of the Montana Rules of Civil Procedure. Plaintiffs' reserve the right to call expert witnesses who may be

Plaintiffs' Expert Disclosures

listed by parties to the extent that testimony is admissible and favorable to Plaintiffs. Plaintiffs further reserve the right to call as witnesses any individuals necessary to authenticate records.

HEALTH CARE PROVIDERS

Plaintiffs may also call any and all of Myrna Boswell's or Patricia Kenworthy's treating healthcare providers to testify as lay or expert witnesses in this case. Their names, addresses and medical opinions are contained within the medical records made available to the Defendant. Plaintiffs' treating healthcare providers have not been expressly retained to provide an expert report in this litigation, but Plaintiffs anticipate that each provider will testify in accordance with the facts and opinions expressed in his/her medical records as well as any deposition taken. Copies of the medical records have been and continue to be made available to the Defendant in discovery. The treating healthcare providers will also be made available for depositions should the Defendant so request. Plaintiffs expect the healthcare providers to testify as to the nature of the injuries the Plaintiffs suffered as a result of their asbestos exposures, the medical treatment they received as a result of the injuries, the cost of such treatment, the limitations they suffer as a result of their injuries and expectations of future treatment, care, and limitations. Plaintiffs' treating healthcare providers are qualified to provide expert testimony based on their education and experience as well as their examination of the Plaintiffs and the review of their records. The provider's medical records and bills may be introduced as exhibits, along with demonstrative exhibits which may help the jury to understand the nature of Plaintiffs' injuries.

Plaintiffs reserve the right to supplement this list to include additional healthcare providers that may later be identified, should this occur, Plaintiffs will probably provide copies of any additional medical records.

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DATED this 3rd of May, 2019.

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

By: /s/ Dustin Leftridge
DUSTIN LEFTRIDGE
Attorney for Plaintiffs

CERTIFICATE OF SERVICE

I, Dustin Alan Richard Leftridge, hereby certify that I have served true and accurate copies of the foregoing Other - Other to the following on 05-03-2019:

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Dated: 05-03-2019