

IN THE SUPREME COURT OF THE STATE OF MONTANA
Supreme Court Cause No. DA 19-0343

Robert J. Phillips
GARLINGTON, LOHN & ROBINSON, PLLP
350 Ryman Street • P. O. Box 7909
Missoula, MT 59807-7909
Telephone (406) 523-2500
Telefax (406) 523-2595
rjphillips@garlington.com

Jeff Hedger
HEDGER FRIEND, P.L.L.C.
2800 Central Avenue, Suite C
Billings, Montana 59102
Telephone (406) 896-4100
Telefax (406) 896-4199
jhedger@hedgerlaw.com

Attorneys for Appellant

ROBERT DANNELS,

Plaintiff/Appellee,

v.

BNSF RAILWAY COMPANY,

Defendant/Appellant.

NOTICE OF CONSTITUTIONAL
CHALLENGE

Notice is hereby given to the Supreme Court and to the Montana Attorney General that in this action, the undersigned challenges the constitutionality of an act of the Montana legislature, namely the constitutionality of Montana's Unfair

Trade Practices Act, Montana Code Annotated § 33-18-101 *et seq.* as applied to BNSF Railway Company and claims made against it under the Federal Employers Liability Act, (“FELA”), 45 U.S.C. § 51, *et seq.* Neither the state nor any agency or any officer or employee thereof is a party to this action.

This Notice is given within 11 days of the filing of the Notice of Appeal, as required by Montana Rule of Appellate Procedure 27.

DATED this 12th day of June, 2019.

/s/ Robert J. Phillips
Attorneys for Appellant

cc: Office of the Attorney General
215 N. Sanders, Third Floor
P.O. Box 201401
Helena, MT 59620-1401

CERTIFICATE OF SERVICE

I, Robert J. Phillips, hereby certify that I have served true and accurate copies of the foregoing Notice - Constitutional Question to the following on 06-12-2019:

Dennis P. Conner (Attorney)
PO Box 3028
Great Falls MT 59403
Representing: Robert Dannels
Service Method: eService

Keith D. Marr (Attorney)
PO Box 3028
Great Falls MT 59403
Representing: Robert Dannels
Service Method: eService

Jeffrey Wayne Hedger (Attorney)
2800 Central Ave., Suite C
Billings MT 59102
Representing: BNSF Railway Company
Service Method: Conventional

Office of The Attorney General
215 N. Sanders, Third Floor
P.O. Box 201401
Helena MT 59620-1401
Service Method: Conventional

Electronically signed by Dawn Hanninen on behalf of Robert J. Phillips
Dated: 06-12-2019