

IN THE SUPREME COURT OF THE STATE OF MONTANA

IN RE ASBESTOS LITIGATION,

Consolidated Cases.

Cause No. AC 17-0694

AMENDED ORDER
APPOINTING ADDITIONAL
ASBESTOS CLAIMS COURT JUDGES

In the aftermath of the W.R. Grace federal bankruptcy proceedings, the Court Administrator for the State of Montana Judicial Branch has identified at least 540 pending asbestos claim cases in the district courts. Considering that and other circumstances, this Court has determined there exists sufficient need to implement the provisions of the Asbestos Claims Court Act codified at §§ 3-20-101 through -105, MCA, and on November 28, 2017, appointed District Court Judge Amy Eddy as the Asbestos Claims Court Judge for purposes of pretrial proceedings only.

There are currently 2,229 claimants before the Asbestos Claims Court with claims pending against more than 40 individual defendants alleging exposure to asbestos in Libby, Montana. The parties anticipate an additional 200 cases being filed each year moving forward for the foreseeable future. Of these claimants, 1,394 have been moved onto a Deferred Docket. The Deferred Docket is for claimants who have an asbestos-related disease (ARD) diagnosis, generally obtained through a mass screening, but do not have functional symptoms of sickness at this point in time. Once established medical criteria is met, these claimants will move onto the Active Docket for their claims to be resolved.

There are currently 835 claimants on the Active Docket with cases pending in multiple district courts. Of the individual causes of action, they are divided by county as follows: Cascade (85%), Lincoln (8%), Lewis and Clark (6%), Flathead (<1%), Yellowstone (<1%).

In order to more equitably and efficiently meet the demands of this litigation, and in compliance with the Asbestos Claims Court Act, the following district court judges are appointed as additional Asbestos Claims Court Judges:

- (1) Judge Matthew Cuffe;
- (2) Judge Michael McMahon;
- (3) Judge Jon Oldenburg;
- (4) Judge John Parker;
- (5) Judge Gregory Pinski; and
- (6) Judge Dan Wilson

These cases pending before the Asbestos Claims Court shall be divided amongst the Asbestos Claims Court Judges, who may preside over the matters from commencement of the action through settlement or trial.

This Order does not displace the District Judge with current jurisdiction if that court chooses to continue to conduct the proceeding.

The Clerk is directed to provide copies of this Order to District Court Judges Amy Eddy, Matthew Cuffe, Michael McMahon, Jon Oldenburg, John Parker, Gregory Pinski, and Dan Wilson, and the Clerks of Court in the First, Eighth, Tenth, Eleventh, Thirteenth and Nineteenth Judicial Districts.

DATED this 25th day of June, 2019.

/S/ MIKE McGRATH
/S/ LAURIE McKINNON
/S/ BETH BAKER
/S/ JAMES JEREMIAH SHEA
/S/ INGRID GUSTAFSON
/S/ DIRK M. SANDEFUR
/S/ JIM RICE