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IN THE ASBESTOS CLAIMS COURT OF THE STATE OF MONTANA

IN RE ASBESTOS LITIGATION,

Consolidated Cases

Cause No. AC 17-0694

**REQUEST FOR ORAL ARGUMENT
AND NOTICE OF ISSUE**

THIS DOCUMENT RELATES TO:
633 MHSL Plaintiffs on the Deferred Docket

COMES NOW the Defendants, BNSF Railway Company (“BNSF”) and John Swing (“Swing”), by and through their counsel of record, Knight Nicastro MacKay, LLC, and hereby request oral argument on Defendants BNSF and Swing’s Rule 41(b) Motion to Dismiss dated May 13, 2019.

The Court ordered deadline of July 1, 2019, for obtaining annual medical examinations for all MHSL plaintiffs on the deferred docket has now passed. To date, Plaintiffs’ counsel have not forwarded any medical records related to those

examinations. Plaintiffs' counsel have also not indicated whether *any* of the 633 MHSL plaintiffs on the deferred docket complied with the July 1, 2019, deadline.

Defendant BNSF respectfully requests that these matters be set for oral argument during the hearing before this Court scheduled for July 24, 2019.

DATED this 10th day of July, 2019.

Respectfully Submitted,

KNIGHT NICASTRO MACKAY, LLC

/s/ Chad M. Knight

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CERTIFICATE OF SERVICE

I, Chad M. Knight, hereby certify that I have served true and accurate copies of the foregoing Notice - Other to the following on 07-10-2019:

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