

NO. DA 19-0085

IN THE SUPREME COURT OF THE STATE OF MONTANA

.....
BNSF RAILWAY COMPANY,

Petitioner,

-VS-

THE ASBESTOS CLAIMS COURT OF THE STATE OF MONTANA,
THE HONORABLE AMY EDDY, PRESIDING JUDGE,

Respondent.
.....

**PETITIONER'S UNOPPOSED MOTION TO VACATE AND
RESET ORAL ARGUMENT**

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*On Review from the Asbestos Claims
Court of the State of Montana, Cause No.
AC-17-0694
Hon. Amy Eddy*

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Asbestos Claims Court Judge,

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COMES NOW the Petitioner, BNSF RAILWAY COMPANY (“BNSF”), and pursuant to Rule 16 of the Montana Rules of Appellate Procedure and through the undersigned counsel, hereby moves the Court to vacate the Notice of Hearing and reset the oral argument for another date that is convenient for the Court.

On July 31, 2019, this Court issued its Notice of Hearing and set oral argument for October 2, 2019, at 9:30 AM. However, Counsel for BNSF is scheduled to begin trial in Cook County, Illinois beginning on September 30, 2019, with trial expected to continue through October 18, 2019. Accordingly, BNSF respectfully requests the Court vacate the October 2, 2019, hearing currently scheduled and reset the hearing for oral argument in this matter to a later date and time that is convenient for this Court.

Pursuant to Mont. R. App. P. 16(1), BNSF certifies that it has conferred with Counsel for Plaintiffs and the Montana Trial Lawyers Association, and neither party opposed the relief sought herein. A proposed order is submitted herewith.

Respectfully submitted this 2nd day of August, 2019.

KNIGHT NICASTRO MACKAY, LLC

/s/ Chad M. Knight

Chad M. Knight

Anthony M. Nicastro

Nadia Patrick

*Attorneys for BNSF Railway Company and
John Swing*

CERTIFICATE OF SERVICE

I, Chad M. Knight, hereby certify that I have served true and accurate copies of the foregoing Motion - Unopposed - Oral Argument - Reschedule to the following on 08-02-2019:

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Dated: 08-02-2019