

NO. OP 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 BNSF RAILWAY COMPANY'S UNOPPOSED MOTION**  
**FOR LEAVE TO FILE AMENDED REPLY BRIEF**

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

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## APPEARANCES:

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COMES NOW Petitioner BNSF RAILWAY COMPANY, pursuant to Rule 16 of the Montana Rules of Appellate Procedure and in light of this Court's October 2, 2019 Order, hereby moves the Court for leave to file an Amended Reply Brief.

On October 2, 2019, the Court issued an order finding Petitioner's electronic appendix for its opening brief in this matter does not satisfy the requirements of M. R. App. P. 12(5). The Court ordered Petitioner to submit an amended appendix that complies with Rule 12(5) on or before Wednesday, October 9, 2019.

In order to bring the record citations in Petitioner's briefing into compliance with Rule 12(5) and ensure they are consistent with Petitioner's amended appendix, Petitioner respectfully requests leave to file an amended opening brief and an amended reply brief containing corrected record citations consistent with Petitioner's amended appendix. No other changes to Petitioner's briefs will be made.

Pursuant to Mont. R. App. P. 16(1), Petitioner certifies that opposing counsel has been contacted concerning this motion and opposing counsel does not object. A proposed order is submitted herewith.

Respectfully submitted this 11th day of October, 2019.

KNIGHT NICASTRO, LLC

/s/ Chad M. Knight

Chad M. Knight

Anthony M. Nicastro

Nadia H. Patrick

James E. Roberts

*Attorneys for BNSF Railway Company & Swing*

## **CERTIFICATE OF SERVICE**

I, Nadia H. Patrick hereby certify that on this 11th day of October, 2019, I served a true and accurate copy of PETITIONER BNSF RAILWAY COMPANY'S UNOPPOSED MOTION FOR LEAVE TO FILE AMENDED REPLY BRIEF on the following:

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The Honorable Matthew Cuffe ([mcuffe@mt.gov](mailto:mcuffe@mt.gov))  
District Court Judge

Lincoln County District Court  
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***Via Email***

Knight Nicastro MacKay, LLC

s/Nadia H. Patrick  
\_\_\_\_\_  
*Nadia H. Patrick*

## **CERTIFICATE OF SERVICE**

I, Nadia Hafeez Patrick, hereby certify that I have served true and accurate copies of the foregoing Motion - Unopposed - Other to the following on 10-11-2019:

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Dated: 10-11-2019