

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 NOTICE OF ERRATA

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

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NOTICE OF ERRATA

Petitioner BNSF Railway Co. respectfully submits this errata to its Opening Brief, which was filed on May 16, 2019, and its Amended Reply in Support of Opening Brief, which was filed on October 15, 2019, in order to correct two inadvertent citation errors.

At page fourteen of the Opening Brief, the second sentence of the first full paragraph should include the following underlined citation and alteration: “The Secretary performed a ‘weighing and balancing [of] various considerations,’ *People v. Union Pac. R.R. Co.*, 141 Cal. App. 4th 1228, 1251 (2006), and invited interested parties to comment in December of 1976.”

Similarly, at page three of the Amended Reply, the first sentence of the first full paragraph should include the following underlined citation: “*Second*, Plaintiffs cannot dispute that the Secretary of Transportation ‘weigh[ed] and balance[ed]’ ‘various considerations,’ *People v. Union Pac. R.R. Co.*, 141 Cal. App. 4th 1228, 1251 (2006), evaluated “a large number of [public] comments,’ and decided that transporting mineral-bound asbestos did not ‘create an unreasonable asbestos exposure problem.’ Transportation of Asbestos, 43 Fed. Reg. 8,562, 8,563 (Mar. 2, 1978).”

Respectfully submitted this 23rd day of October, 2019.

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By: /s/ Dale Schowengerdt

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CERTIFICATE OF SERVICE

I, Dale Schowengerdt, hereby certify that I have served true and accurate copies of the foregoing Notice - Errata to the following on 10-23-2019:

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