

Chad M. Knight
Anthony M. Nicastro
Nadia Patrick
KNIGHT NICASTRO MACKAY, LLC
304 W. 10th Street
Kansas City, Missouri 64105
Telephone: (720) 770-1235
Facsimile: (816) 396-6233
knight@knightnicastro.com
nicastro@knightnicastro.com
npatrick@knightnicastro.com

Attorneys for BNSF Railway Company and John Swing

IN THE ASBESTOS CLAIMS COURT OF THE STATE OF MONTANA

IN RE ASBESTOS LITIGATION,

Consolidated Cases

Cause No. AC 17-0694

**DEFENDANT BNSF RAILWAY
COMPANY'S REPLY IN
SUPPORT OF ITS MOTION FOR
STATUS CONFERENCE**

THIS DOCUMENT RELATES TO:
*All Claims on the Active and Deferred
Dockets*

COMES NOW Defendant BNSF Railway Co., by and through its counsel of record and files this *Reply in Support of its Motion for Status Conference* as follows:

REPLY

Opposing counsel indicates they do not object to a status conference – so long as the discussion ignores the defendant's proposed topics and focuses exclusively on the plaintiffs proposed topics. Opposing counsel seems particularly

eager to obtain this Court's assistance in forcing the defendants to attend a mandatory settlement conference for all plaintiffs on the Deferred Docket.

Defendant respectfully requests that the topics proposed by *both* parties should be addressed at the upcoming status conference. Those topics include:

1. MHSL Plaintiff's Motion for Claims Registry;
2. MHSL Plaintiffs' Motion Re COVID Relief;
3. BNSF Motion for Dismissal of Noncompliant Plaintiff's on MHSL's Deferred Docket;
4. BNSF Motion for Dismissal of Deceased Plaintiff's on the Deferred Docket;
5. BNSF Motion for Clarification Regarding Assignment of Trial Court Judges; and,
6. BNSF Motion for a Show-Cause Order Regarding a CARD Diagnosis of ARD.

DATED this 29th day of May, 2020.

KNIGHT NICASTRO MACKAY, LLC

/s/ Nadia H. Patrick _____
Chad M. Knight
Anthony M. Nicastro
Nadia H. Patrick
*Attorneys for BNSF Railway Company and
John Swing*

CERTIFICATE OF SERVICE

I, Nadia Hafeez Patrick, hereby certify that I have served true and accurate copies of the foregoing Brief - Other to the following on 05-29-2020:

Amy Poehling Eddy (Attorney)
920 South Main
Kalispell MT 59901
Representing: Amy Eddy
Service Method: eService

Roger M. Sullivan (Attorney)
345 1st Avenue E
MT
Kalispell MT 59901
Representing: Adams, et al
Service Method: eService

Allan M. McGarvey (Attorney)
345 1st Avenue East
Kalispell MT 59901
Representing: Adams, et al
Service Method: eService

John F. Lacey (Attorney)
345 1st Avenue East
Kalispell MT 59901
Representing: Adams, et al
Service Method: eService

Ethan Aubrey Welder (Attorney)
345 1st Avenue East
Kalispell MT 59901
Representing: Adams, et al
Service Method: eService

Dustin Alan Richard Leftridge (Attorney)
345 First Avenue East
Montana
Kalispell MT 59901
Representing: Adams, et al

Service Method: eService

Jeffrey R. Kuchel (Attorney)
305 South 4th Street East
Suite 100

Missoula MT 59801

Representing: Accel Performance Group LLC, et al, MW Customs Papers, LLC
Service Method: eService

Danielle A.R. Coffman (Attorney)

1667 Whitefish Stage Rd

Kalispell MT 59901

Representing: Accel Performance Group LLC, et al, MW Customs Papers, LLC
Service Method: eService

Gary M. Zadick (Attorney)

P.O. Box 1746

#2 Railroad Square, Suite B

Great Falls MT 59403

Representing: Honeywell International
Service Method: eService

Gerry P. Fagan (Attorney)

27 North 27th Street, Suite 1900

P O Box 2559

Billings MT 59103-2559

Representing: CNH Industrial America LLC
Service Method: eService

G. Patrick HagEstad (Attorney)

2419 Mullan Road

Suite B

Missoula MT 59808

Representing: United Conveyor Corporation, Riley Stoker Corporation et al
Service Method: eService

Jennifer Marie Studebaker (Attorney)

210 East Capitol Street

Suite 2200

Jackson MS 39201

Representing: Goulds Pump LLC, Grinnell Corporation, ITT LLC, et al
Service Method: eService

Joshua Alexander Leggett (Attorney)

210 East Capitol Street, Suite 2200

Jackson MS 39201-2375

Representing: Goulds Pump LLC, Grinnell Corporation, ITT LLC, et al
Service Method: eService

Vernon M. McFarland (Attorney)
200 South Lamar Street, Suite 100
Jackson MS 39201-4099
Representing: Goulds Pump LLC, Grinnell Corporation, ITT LLC, et al
Service Method: eService

Jean Elizabeth Faure (Attorney)
P.O. Box 2466
1314 Central Avenue
Great Falls MT 59403
Representing: Goulds Pump LLC, Grinnell Corporation, Borg Warner Morse Tec LLC
Service Method: eService

Jason Trinity Holden (Attorney)
1314 CENTRAL AVE
P.O. BOX 2466
Montana
GREAT FALLS MT 59403
Representing: Goulds Pump LLC, Grinnell Corporation, Borg Warner Morse Tec LLC
Service Method: eService

Chad E. Adams (Attorney)
PO Box 1697
Helena MT 59624
Representing: Weir Valves & Controls USA, Cyprus Amex Minerals Company, Fischbach and Moore, Inc. et al, American Honda Motor Co., Inc., Harder Mechanical Contractors, Nissan North American Inc.
Service Method: eService

Katie Rose Ranta (Attorney)
Faure Holden, Attorneys at Law, P.C.
1314 Central Avenue
P.O. Box 2466
GREAT FALLS MT 59403
Representing: Borg Warner Morse Tec LLC
Service Method: eService

Stephen Dolan Bell (Attorney)
Dorsey & Whitney LLP
125 Bank Street
Suite 600
Missoula MT 59802
Representing: Ford Motor Company
Service Method: eService

Dan R. Larsen (Attorney)
Dorsey & Whitney LLP
111 South Main
Suite 2100

Salt Lake City UT 84111
Representing: Ford Motor Company
Service Method: eService

Kelly Gallinger (Attorney)
315 North 24th Street
Billings MT 59101
Representing: Maryland Casualty Corporation
Service Method: eService

Robert J. Phillips (Attorney)
Garlington, Lohn & Robinson, PLLP
P.O. Box 7909
Missoula MT 59807
Representing: BNSF Railway Company
Service Method: eService

Emma Laughlin Mediak (Attorney)
Garlington, Lohn & Robinson, PLLP
P.O. Box 7909
Missoula MT 59807
Representing: BNSF Railway Company
Service Method: eService

Daniel Jordan Auerbach (Attorney)
201 West Railroad St., Suite 300
Missoula MT 59802
Representing: Weir Valves & Controls USA, Cyprus Amex Minerals Company
Service Method: eService

Leo Sean Ward (Attorney)
PO Box 1697
Helena MT 59624
Representing: Weir Valves & Controls USA, Cyprus Amex Minerals Company, Fischbach and Moore, Inc. et al, American Honda Motor Co., Inc., Harder Mechanical Contractors, Nissan North American Inc.
Service Method: eService

Robert B. Pfennigs (Attorney)
P.O. Box 2269
Great Falls MT 59403
Representing: Stimson Lumber Company, Zurn Industries, Inc., Mazda Motor of America, Inc.
Service Method: eService

Rick A. Regh (Attorney)
P.O. Box 2269
GREAT FALLS MT 59403
Representing: Stimson Lumber Company, Zurn Industries, Inc., Mazda Motor of America, Inc.
Service Method: eService

Mark Trevor Wilson (Attorney)
300 Central Ave.
7th Floor
P.O. Box 2269
Great Falls MT 59403
Representing: Stimson Lumber Company, Zurn Industries, Inc., Mazda Motor of America, Inc.
Service Method: eService

Robert M. Murdo (Attorney)
203 North Ewing
Helena MT 59601
Representing: Mine Safety Appliance Company LLC
Service Method: eService

Murry Warhank (Attorney)
203 North Ewing Street
Helena MT 59601
Representing: Mine Safety Appliance Company LLC
Service Method: eService

Ben A. Snipes (Attorney)
Odegaard Kovacich Snipes, PC
P.O. Box 2325
Great Falls MT 59403
Representing: Backen et al, Sue Kukus, et al
Service Method: eService

Mark M. Kovacich (Attorney)
Odegaard Kovacich Snipes, PC
P.O. Box 2325
Great Falls MT 59403
Representing: Backen et al, Sue Kukus, et al
Service Method: eService

Ross Thomas Johnson (Attorney)
Odegaard Kovacich Snipes, PC
P.O. Box 2325
Great Falls MT 59403
Representing: Backen et al, Sue Kukus, et al
Service Method: eService

Randy J. Cox (Attorney)
P. O. Box 9199
Missoula MT 59807
Representing: A.W. Chesterson Company
Service Method: eService

Zachary Aaron Franz (Attorney)

201 W. Main St.
Suite 300
Missoula MT 59802
Representing: A.W. Chesterson Company
Service Method: eService

Robert J. Sullivan (Attorney)
PO Box 9199
Missoula MT 59807
Representing: Ingersoll-Rand, Co.
Service Method: eService

Dale R. Cockrell (Attorney)
145 Commons Loop, Suite 200
P.O. Box 7370
Kalispell MT 59904
Representing: State of Montana
Service Method: eService

Martin S. King (Attorney)
321 West Broadway, Suite 300
P.O. Box 4747
Missoula MT 59806
Representing: Foster Wheeler Energy Services, Inc.
Service Method: eService

Maxon R. Davis (Attorney)
P.O. Box 2103
Great Falls MT 59403
Representing: Continental Casualty Company
Service Method: eService

Tom L. Lewis (Attorney)
2715 Park Garden Lane
Great Falls MT 59404
Representing: Harold N. Samples
Service Method: eService

Keith Edward Ekstrom (Attorney)
601 Carlson Parkway #995
Minnetonka MN 55305
Representing: Brent Wetsch
Service Method: eService

William Rossbach (Attorney)
401 N. Washington
P. O. Box 8988
Missoula MT 59807
Representing: Michael Letasky

Service Method: eService

Kennedy C. Ramos (Attorney)
1717 Pennsylvania Avenue NW
1200
wash DC 20006
Representing: Maryland Casualty Corporation
Service Method: eService

Edward J. Longosz (Attorney)
1717 Pennsylvania Avenue NW
Suite 1200
Washington DC 20006
Representing: Maryland Casualty Corporation
Service Method: eService

Chad M. Knight (Attorney)
929 Pearl Street
Ste. 350
Boulder CO 80302
Representing: BNSF Railway Company
Service Method: eService

Anthony Michael Nicasro (Attorney)
27 Shiloh Road, Ste 10
Billings MT 59106
Representing: BNSF Railway Company
Service Method: eService

Kevin A. Twidwell (Attorney)
1911 South Higgins Ave
PO Box 9312
Missoula MT 59807
Representing: Libby School District #4
Service Method: eService

Jinnifer Jeresek Mariman (Attorney)
345 First Avenue East
Kalispell MT 59901
Representing: Adams, et al
Service Method: eService

James E. Roberts (Attorney)
283 West Front Street
Suite 203
Missoula MT 59802
Representing: BNSF Railway Company
Service Method: eService

William Adam Duerk (Attorney)
283 West Front Street
Suite 203
Missoula MT 59802
Representing: BNSF Railway Company
Service Method: eService

Daniel W. Hileman (Attorney)
22 Second Ave. W., Suite 4000
Kalispell MT 59901
Representing: Maryland Casualty Corporation
Service Method: eService

Nathan Andrew Huey (Attorney)
201 West Main Street
Suite 101
Missoula MT 59802
Representing: Robinson Insulation Company
Service Method: eService

Mark S. Williams (Attorney)
235 East Pine
PO BOX 9440
Missoula MT 59807-9440
Representing: Ace Fire Underwriters Companyh
Service Method: eService

Michael Crill (Other)
PO Box 145
Rimrock AZ 86335
Service Method: Conventional

Tammy Peterson (Interested Observer)
Asbestos Court Clerk
Helena MT 59601
Service Method: Conventional

Matthew Cuffe (Other)
512 California
Libby MT 59923
Service Method: Conventional

Mike McMahon (Other)
227 Broadway, Second Floor
Helena MT 59601
Service Method: Conventional

Jon A. Oldenburg (Other)
P.O. Box 1124

Lewistown MT 59457
Service Method: Conventional

John W. Parker (Other)
Cascade County Courthouse
325 2nd Avenue North
Great Falls MT 59401
Service Method: Conventional

Greg Pinski (Other)
415 2nd Ave N
Great Falls MT 59401
Service Method: Conventional

Dan Wilson (Other)
Flathead County District Court
920 South, Main, Suite 210
Kalispell MT 59901
Service Method: Conventional

Jon L. Heberling (Attorney)
345 First Avenue East
Kalispell MT 59901
Representing: Adams, et al
Service Method: Conventional

Michael D. Plachy (Attorney)
1200 17th Street
Denver CO 80202
Representing: Honeywell International
Service Method: Conventional

Charles J. Seifert (Attorney)
50 S. Last Chance Gulch 3rd Fl.
P.O. Box 598
Helena MT 59624
Representing: Ford Motor Company, Maryland Casualty Corporation
Service Method: Conventional

Fredric A. Bremseth (Attorney)
601 Carlson Parkway, Suite 995
Minnetonka MN 55305-5232
Representing: Brent Wetsch
Service Method: Conventional

Mark A. Johnston (Attorney)
1717 Pennsylvania Ave. NW, 12th Floor
Washington DC 20006
Representing: Maryland Casualty Corporation

Service Method: Conventional

Walter G. Watkins (Attorney)
210 E. Capitol Street, Ste. 2200
Jackson MS 39201
Representing: International Paper Co.
Service Method: Conventional

Nancy M. Erfle (Attorney)
Gordon Rees LLP
121 SW Morrison St., Suite 1575
Portland OR 97204
Representing: Robinson Insulation Company
Service Method: Conventional

Electronically signed by Andrea Laine on behalf of Nadia Hafeez Patrick
Dated: 05-29-2020