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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

**DEFENDANT BNSF RAILWAY'S
MOTION FOR STATUS
CONFERENCE**

Applicable to All Cases

**THIS DOCUMENT RELATES TO:
All Claims Addressed in the Court's
June 17, 2020 Order**

COME NOW Defendants BNSF Railway Company and John Swing, by and through counsel, and respectfully file this *Motion for a Status Conference* regarding all claims addressed in the Court's June 17, 2020 Order. Counsel for Plaintiffs and other Defendants have no objection to the instant motion.

BACKGROUND

The Court's Order dated June 17, 2020 recently directed the migration of all active Asbestos Claims Court cases to the new Twenty-Third Judicial District in Cascade County.

In light of this new Order, BNSF moves the Court for a status conference in relation to the litigation of these cases. There are several matters BNSF would specifically like to address at said conference, as set forth below.

MATTERS FOR THE COURT'S CONSIDERATION

Several issues prompted by the Court's June 17, 2020 will impact the litigation of cases currently before this Court. The following issues for the Court's consideration are summarized below.

1. Time frame for case assignments.

BNSF seeks clarification about the timing of case assignments to the various judges identified in the June 17, 2020 Order.

2. Intention to Rule on Outstanding Motions

There are numerous pending motions before the Court that are crucial to this litigation. BNSF is seeking clarification as to whether these motions will be decided prior to the migration of cases to the new Twenty-Third Judicial District in Cascade County. Furthermore, if the motions are not ruled on prior to the migration, BNSF is requesting information on the timeframe in which it can expect rulings to be issued.

3. Allowance of Electronic Filing

BNSF seeks clarification on whether electronic filing will be available for the cases transferred to the new Twenty-Third Judicial District in Cascade County. Cascade County does not allow electronic filing, and only accepts filings in person or by mail. As none of the parties' counsel are located in Cascade County, Montana, this change in jurisdiction could potentially leave each party with decreased time in filing initial and responsive pleadings due to the extra time required for

filing by mail. Thus far in this litigation, the parties have been able to file electronically, saving both time and costs. Accordingly, BNSF is requesting clarification regarding this issue.

CONCLUSION

For the reasons stated above, BNSF and the other undersigned parties respectfully request a status conference regarding all cases addressed in the Court's June 17, 2020 Order. This conference should be scheduled at the Court's convenience and in any manner this Court sees fit in light of the ongoing pandemic.

A proposed order is filed herewith for the Court's convenience.

DATED this 30th day of June, 2020.

KNIGHT NICASTRO MACKAY, LLC

/s/ Nadia H. Patrick

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CERTIFICATE OF SERVICE

I, Nadia Hafeez Patrick, hereby certify that I have served true and accurate copies of the foregoing Motion - Other to the following on 06-30-2020:

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