

Roger Sullivan
Allan M. McGarvey
John F. Lacey
Jinnifer Jeresek Mariman
Ethan Welder
Dustin Leftridge
McGarvey Law
345 First Avenue East
Kalispell, MT 59901
(406) 752-5566

Attorneys for McGarvey Plaintiffs

IN THE ASBESTOS CLAIMS COURT FOR THE STATE OF MONTANA

<p>IN RE ASBESTOS LITIGATION, <i>Consolidated Cases</i></p>	<p>Cause No. AC 17-0694 MCGARVEY PLAINTIFFS' NOTICE RE: FILING OF MASTER CLAIMS LIST <i>Applicable to All Cases</i></p>
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Pursuant to the Court's *Order* dated September 13, 2018, McGarvey Plaintiffs file the attached Master Claims List that includes:

1. a delineated category of disease severity;
2. the identification of whether an individual is on the Deferred or Active Docket;
3. the date of an individual's annual examination and pulmonary function test (PFT) or date scheduled therefor;
4. the provider of that annual examination and PFT;
5. for individuals who have not had an annual examination and PFT, whether there is a sworn declaration pursuant to Mont. Code Ann. § 1-6-105 attached to the Master Claims List explaining their unique circumstances; and
6. the identification of individuals whose first exposures were more than 30 years ago and, as such, are subject to the Court's mandatory settlement conference requirement.

Plaintiffs have previously provided releases to Defendants for all medical records, including those from annual medical examinations and PFTs. Pursuant to the Court's *Order on Cost Sharing*, the parties will share in the expected \$30,000/year cost of obtaining those annual examination and PFT records.

As explained in the *Notices Re: Filing of Master Claims List* dated October 4, 2018, October 17, 2018, February 12, 2019, July 11, 2019, and December 19, 2019, the placement of an individual on the Deferred Docket requires the individual fall within the "Normal" or "Mild" category as of the later of this Court's September 13, 2018, *Order* or the filing of their claim.

The categories on the Master Claims List are determined by the following criteria:

Normal	$\geq 80\%$ of FVC, TLC, DLCO;
Mild	70%-79% of FVC, TLC, DLCO;
Moderate	60%-69% of FVC, TLC, DLCO; and
Severe	$\leq 59\%$ of FVC, TLC, DLCO.

These criteria follow the categories utilized in previous settlements with the State, IP and BNSF, and are based on accepted medical criteria such as the American Thoracic Society and the American Medical Association Guides to Permanent Impairment. *See American Thoracic Society, Lung Function Testing: Selection of Reference Values and Interpretative Strategies*, *Am Rev Respir Dis*, 144:1002-1218 (1991), Table 13; *see also American Medical Association, Guides to the Evaluation of Permanent Impairment* (6th Edition 2009), Table 5-4.

Respectfully submitted this 23rd day of December, 2020.

McGARVEY LAW

By: /s/ Jinnifer J. Mariman
JINNIFER JERESEK MARIMAN
Attorney for McGarvey Plaintiffs

CERTIFICATE OF SERVICE

I, Jinnifer Jeresek Mariman, hereby certify that I have served true and accurate copies of the foregoing Notice - Other to the following on 12-23-2020:

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)
210 E. Capitol Street, Suite 2200
Jackson MS 39201-2375
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

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

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)
1401 Walnut St
Suite 200
Boulder CO 80302

Representing: BNSF Railway Company
Service Method: eService

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

Nadia Hafeez Patrick (Attorney)
929 Pearl Street Suite 350
Boulder CO 80302
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

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

Electronically Signed By: Jinnifer Jeresek Mariman
Dated: 12-23-2020