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*Trustee for Libby Mine Claimants'  
Qualified Settlement Fund Trust III*

## IN THE ASBESTOS CLAIMS COURT OF THE STATE OF MONTANA

IN RE ASBESTOS LITIGATION,  <i>Consolidated Cases</i>	Cause No. AC 17-0694  <b>PETITION FOR APPOINTMENT OF SUCCESSOR TRUSTEE OF THE LIBBY MINE CLAIMANTS' QUALIFIED SETTLEMENT FUND TRUST III</b>  (Applicable to Libby Mine Claimants Qualified Settlement Fund Trust III)
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Trustee Nancy Gibson, and the law firm of McGarvey Law on behalf of the Libby Mine Claimants, jointly move this Court to accept the resignation of Nancy Gibson and appoint Kent Saxby as successor trustee for the Libby Mine Claimants' Qualified Settlement Fund Trust III (QSF III). The rationale for the motion is as follows, and a proposed order is attached.

## **Background**

On January 7, 2019, this Court appointed Nancy Gibson, Esq. as trustee of QSF III (Ex.1). Although initial disbursements to Claimants have been made, the QSF III Trust has remained open pending the outcome of *National Indemnity Company v. State of Montana*, currently before the Montana Supreme Court, Case No. DA 19-0533.

## **Rationale**

Trustee Gibson has retired from practice on March 3rd and is going on inactive status as of April 1. Because of the active nature of the Trust, a successor trustee is needed to perform the duties of the QSF III. Pursuant to the terms of the QSF III, §8.1, “the Trustee may resign at any time by written notice to the Court,” and “the Court shall have the power to appoint a successor Trustee.”

In accordance with §8.1, Trustee Gibson hereby gives her notice of resignation. The undersigned petition the Court to appoint Kent Saxby to be appointed as Trustee for QSF III and assume the roles and responsibilities set forth in the original appointment.

DATED this 24<sup>th</sup> day of March 2021.

/s/ Nancy Gibson  
Nancy Gibson  
Trustee for QSF III

/s/ Dustin Leftridge  
Dustin Leftridge  
McGarvey Law on behalf of Libby Mine Claimants

# Exhibit 1

IN THE ASBESTOS CLAIMS COURT OF THE STATE OF MONTANA

IN RE ASBESTOS LITIGATION,

*Consolidated Cases*

Cause No. AC 17-0694

**ORDER APPROVING THE LIBBY  
MINE CLAIMANT'S QUALIFIED  
SETTLEMENT FUND TRUST III**

Applicable to:

*Adamson, et al. v. State of Montana, et al.*,  
Cascade County Cause No. DV-16-1022;  
and all MHS� consolidated cases in which  
the State of Montana is a named defendant  
(except *Barnes, et al. v. State of Montana,*  
*et al.*, Lincoln County Cause No.  
DV-16-111)

The Libby Claimants having filed a Petition for the Establishment of the Libby Mine Claimants' Qualified Settlement Fund Trust III, and good cause appearing therefor;

IT IS HEREBY ORDERED that the Libby Mine Claimants' Qualified Settlement Fund Trust III is hereby established, with Nancy Gibson as initial trustee.

DATED this 7<sup>th</sup> day of January, 2019.

  
\_\_\_\_\_  
Amy Eddy, District Judge

ORDER APPROVING THE LIBBY MINE CLAIMANTS' QUALIFIED SETTLEMENT FUND TRUST III

## **CERTIFICATE OF SERVICE**

I, Dustin Alan Richard Leftridge, hereby certify that I have served true and accurate copies of the foregoing Petition - Other to the following on 03-24-2021:

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