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**IN THE ASBESTOS CLAIM COURT OF THE STATE OF MONTANA**

IN RE ASBESTOS LITIGATION,  
  
Consolidated Cases.

Cause No. AC 17-0694

**LITIGATION ABSTRACT'S  
POSITION PAPER REGARDING  
COST SHARING**

Litigation Abstract, Inc. ("LAI") respectfully submits this position paper in response to the Court's Amended Order dated March 26, 2021, indicating the Court's primary consideration at the status hearing set for April 8, 2021, at 1:30 p.m. will be to consider the cost-sharing disagreement between the parties. LAI is the vendor of the services that are the subject of that disagreement and is still owed money for those services. It respectfully submits it is therefore an interested person in the resolution of the disagreement. In short, LAI wishes to remain neutral and not to advocate for one position over another. LAI provided the services requested of it and simply wishes to be paid for the work it did and will be doing in the future.

The amount currently owed to LAI is \$47,660.88 for services rendered through February 28, 2021 (this amount excludes services rendered in March 2021 but not yet invoiced). The table at page 8 of BNSF Railway Company's (BNSF) Position Paper Regarding Cost Sharing (4/7/21) accurately sets forth the billing and payment history. LAI sent all the invoices reflected in BNSF's table to BNSF's counsel at their request and

direction. Therefore, LAI expected payment from BNSF. Whether other parties contributed toward payment was not to be undertaken by LAI.

LAI respectfully submits that there is no disagreement regarding the services provided as reflected in its invoices, the quality of the services provided, or the amount LAI is owed. Rather, the disagreement appears to be which party or parties should pay LAI the money it is owed. LAI is prepared to present testimony at the status hearing as may be necessary to assist the Court and the parties in resolving the conflict so that it can be paid what it is owed and continue to be paid for services in the future.

RESPECTFULLY SUBMITTED this 7<sup>th</sup> day of April 2021.

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By /s/ Timothy B. Strauch  
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