

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

FRANCIS E. ENGLISH,

Plaintiff,

vs.

BNSF RAILWAY COMPANY,

Defendant.

CV-18-77-GF-BMM

ORDER

Plaintiff Francis E. English (“English”) filed a motion for partial summary judgment (Doc. 58) and a motion for a protective order (Doc. 63). Defendant BNSF Railway Company (“BNSF”) opposed English’s motions. (Docs. 68 & 69.) The Court conducted a hearing on the motions on November 14, 2019. (Doc. 75.)

For the reasons stated in open Court, **IT IS ORDERED** that English’s Motion for Partial Summary Judgment (Doc. 58) is **GRANTED**. English’s state law claims are not preempted by the Railway Labor Act.

IT IS FURTHER ORDERED that English’s Motion for a Protective Order (Doc. 63) is **DENIED**. The Court limits the use of any communication or

documents between English and his union representative in the grievance process to impeachment purposes only. Counsel for BNSF shall seek permission from the Court before attempting to impeach witnesses with these communications or documents.

DATED this 15th day of November, 2019.

A handwritten signature in blue ink that reads "Brian Morris". The signature is written in a cursive style with a horizontal line underneath it.

Brian Morris
United States District Court Judge