

**FILED**

**AUG 22 2017**

Clerk, U S District Court  
District Of Montana  
Missoula

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION

BNSF RAILWAY CO.,

Plaintiff and Counter-  
Defendant,

vs.

TOLTZ, KING, DUVALL,  
ANDERSON AND ASSOCIATES,  
INC.,

Defendant and Counter-  
Claimant.

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TOLTZ, KING, DUVALL,  
ANDERSON AND ASSOCIATES,  
INC.,

Third-Party Plaintiff,

vs.

SAFE HARBOR ACCESS SYSTEMS,  
LLC; SAFE HARBOR ACCESS  
SYSTEMS II, LLC; SAFE HARBOR  
ACCESS SYSTEMS Ii, a/k/a SAFE  
HARBOR Ii,

Third-Party Defendants.

CV 16-24-M-DLC

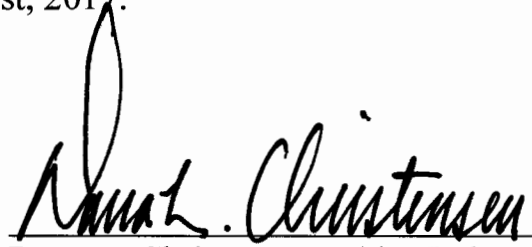
ORDER

The Court has reviewed Third Party Defendant Safe Harbor Access

Systems, LLC's ("Safe Harbor") Unopposed Motion for Leave to File the Affidavit of Sarah D. Simkins under seal pursuant to L.R. 5.1 and 26.4(a), and finding good cause appearing,

IT IS ORDERED that the motion (Doc. 108) is GRANTED. Safe Harbor shall file the Simkins Affidavit under seal in the manner directed by the Clerk of Court, and it will be considered by the Court through in camera review in connection with Document 100 and Safe Harbor's response in opposition to Document 100.

DATED this 22<sup>nd</sup> day of August, 2017.

  
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Dana L. Christensen, Chief Judge  
United States District Court