

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

BNSF RAILWAY COMPANY,  
on behalf of THE UNITED STATES  
OF AMERICA,

Plaintiff,

vs.

THE CENTER FOR ASBESTOS  
RELATED DISEASE, INC.,

Defendant.

CV 19–40–M–DLC

ORDER

On May 6, 2022, this Court quashed a Rule 45 subpoena served by BNSF upon McGarvey Law. (*See generally* Doc. 84.) In this Order, the Court sanctioned BNSF “by awarding McGarvey Law reasonable attorney’s fees incurred in objecting to and quashing BNSF’s subpoena.” (*Id.* at 13–14.) McGarvey Law has now filed a declaration outlining its incurrence of \$18,785.00 in attorneys’ fees. (Doc. 94.) BNSF has not leveled any reasonableness objection. (Doc. 104.)

Accordingly, IT IS ORDERED that, pursuant to this Court’s prior Order (Doc. 84), BNSF is SANCTIONED in the amount of \$18,785.00, representing a reasonable amount of attorneys’ fees incurred by McGarvey Law in objecting to and quashing BNSF’s Rule 45 subpoena. Absent extension from this Court, BNSF shall transmit this sum to McGarvey Law on or before June 17, 2022.

DATED this 8th day of June, 2022.



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Dana L. Christensen, District Judge  
United States District Court