

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.

CV19-40-M-DLC

ORDER

In response to this Court's prior Order inquiring whether BNSF's motion to compel still presented a live dispute (Doc. 56), the parties filed a joint submission agreeing that "production is ongoing and the Court's involvement is not currently necessary." (Doc. 57 at 1.) The parties further advise that any outstanding issues can be jointly brought to "the Court's attention at the proper time." (*Id.* at 4.) Based on the foregoing, the Court will deny the outstanding motion to compel without prejudice on the grounds that it is moot. BNSF may renew its motion, if necessary, focusing on the narrow areas where disputes remain.

Accordingly, IT IS ORDERED that BNSF's motion to compel (Doc. 45) is DENIED without prejudice as moot.

DATED this 23rd day of February, 2022.



Dana L. Christensen, District Judge  
United States District Court