EXHIBIT 3
DATE 3.15.05
SB 375

HOUSE BUSINESS & LABOR COMMITTEE
SB 375 - VENUE IN FELA CASES
MARCH 15, 2005

FLAWS IN SB 375

- **Montana Rail Link Is Being Singled Out**

  → MRL will be treated differently than any other Montana corporation

- **No Reason for Change**

  → Montana Supreme Court recently held that existing venue rules are constitutional

  → "There is no legal impediment to treating FELA plaintiffs exactly the same as other Montana plaintiffs with tort actions . . . ." *Rule v. BNSF*, 2005 MT 6.

- **FELA Plaintiffs Already Have More Venue Options than Other Plaintiffs**

  → *Four Venue Choices for Plaintiff in FELA Case Against MRL*

  1. Place of accident
  2. MRL's principal place of business
  3. Federal court division where accident occurred
  4. Federal court division of MRL's principal place of business

  → *Two Venue Choices for Regular Plaintiff in Case against Montana Corporation*

  1. Place of accident
  2. Corporation's principal place of business

- **Procedure Already Exists if Plaintiff Cannot Get Fair Trial**

  → "The court or judge must ... change the place of trial ... when there is reason to believe that an impartial trial cannot be had" in that county. *MCA § 25-2-201*

- **Proposed Venue Rule Is Unconstitutional – Violates "Equal Protection"**

  → Montana FELA plaintiffs treated differently than out-of-state FELA plaintiffs

  → MRL treated differently than every other Montana corporation in the entire state

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On Behalf of Montana Rail Link, Inc.