

Order Denying Defendants' Motion for Change of Venue Based on Presumed Prejudice

Appendix A - Summary of Print Media Coverage in Missoula Division Since June of 2004

The Western News (Libby, MT)

Ex. No.	Date	Summary	Nature of Item (Factual vs. Prejudicial)
370	6/18/04	News Story on former Grace employee's challenge to 3-year statute of limitations for worker's compensation occupational disease claims.	Factual
371	11/3/04	News story on Grace press release revealing grand jury investigation. Contains background on Grace's ownership of the Libby mine and the asbestos contamination in Libby. Contains quote from asbestos activist: "The company should have taken responsibility years ago."	Primarily factual with mild prejudicial quotes
372	12/3/04	News story on Grace bankruptcy papers claiming federal criminal indictment would be forthcoming. Contains brief background on Libby contamination.	Factual
373	12/15/04	News story on study's projected costs of health care for those exposed to asbestos in Libby. Contains explanation of costs covered by Grace-funded health plan.	Factual
374	12/17/04	News story on Montana Supreme Court ruling that State is not immune from suit by Libby miners claiming it should have warned them of asbestos dangers. Contains brief background on Libby contamination.	Factual
375	2/9/05	News story on Indictment. Contains summary of charges and lists potential maximum penalties. Contains quote from U.S. Attorney Mercer ("A human and environmental tragedy" has occurred in Libby") and Senator Baucus ("[W]e're one step closer to holding Grace accountable for what they did").	Primarily factual with prejudicial quotes
376	2/11/05	News story summarizing charges and evidentiary support in the Indictment. Contains repeat of U.S. Attorney Mercer's "human and environmental tragedy" quote.	Primarily factual; mild prejudicial quotes
377	2/23/05	News story on proposal to establish asbestos research centers in Missoula and Libby. Reports statement by senator that "more must be done to help people in Libby afford health care after being exposed to deadly asbestos fibers by W.R. Grace."	Primarily factual; one prejudicial reference

378	2/25/05	Letter to the Editor arguing that the Defendants should have been charged with murder and advocating "old fashioned western justice on this matter."	Prejudicial
379	2/25/05	News story on Defendants' pleas of not guilty. Contains quote from defense attorney stating his client is innocent and "[t]his indictment falsely portrays the facts."	Factual
380	2/25/05	Letter to the Editor arguing that state and federal agencies are as culpable as Grace for the contamination in Libby.	Prejudicial
381	3/4/05	News story on high school student documentary on asbestos contamination. Focuses on the filmmaking process.	Factual
382	3/9/05	News story on proposed federal health trust to help Libby asbestos victims. Article notes that proposal would have Grace paying \$250 million into the trust.	Factual
383	3/11/05	News Story reporting that a trial date has been set in the criminal case. Contains background on Libby contamination and summary of charges.	Factual
384	3/16/05	Letter to the Editor welcoming a "day of judgment" for the Defendants and claiming that it is not necessary to see evidence before concluding that Defendants are guilty.	Prejudicial
385	3/16/05	Editorial praising Senator Baucus for health trust proposal but stating that the most likely source of health care funding is a fine resulting from conviction in the criminal case.	Prejudicial
386	3/16/05	News story on U.S. Attorney's representative holding meeting in Libby. Contains representative's statement that the definition of "victim" is broad and that the amount of restitution Defendants may be required to pay depends in part on the number of people who sign up as victims.	Prejudicial
387	4/15/05	News story on Libby-specific provisions of federal asbestos litigation reform bill.	Factual
388	4/20/05	Editorial expressing skepticism over whether proposed asbestos bill will help Libby residents. Contains one reference to "Libby asbestos victims of W.R. Grace's mining and milling operations."	Primarily non-prejudicial; one prejudicial reference
389	4/27/05	News story on temporary removal of Libby-specific provisions of asbestos reform bill. W.R. Grace is mentioned one time.	Factual
390	8/12/05	News story on EPA's decision to stop speaking with media due to the ongoing criminal prosecution.	Factual

391	8/12/05	News story on the arrival in Libby of a crew working for the ABC news program Nightline. W.R. Grace is mentioned one time.	Factual
392	8/12/05	Editorial criticizing the EPA for refusing to speak with media. Contains a single reference to the criminal case.	Non-prejudicial
A-3 ¹	9/14/05	Letter to the Editor explaining the purpose and function of the Libby Area Technical Assistant Group ("LATAG"). One reference to W.R. Grace as "the party allegedly responsible for the site."	Non-prejudicial
A-6	9/21/05	News story on LATAG hiring a community advisor. W.R. Grace is not mentioned.	Factual
A-7	9/21/05	News story on HNA/Triveris letters. Summarizes content of letters and contains quote from Center for Asbestos Related Disease ("CARD") doctor stating that the administrator is attempting to avoid paying benefits by minimizing ailments.	Factual with mild prejudicial material
A-8	9/21/05	Editorial criticizing the HNA/Triveris letters. Contains speculation that the audit is intended to allow the Defendants to argue at trial that asbestos has not made people sick in Libby.	Prejudicial
A-24	10/5/05	Letter to the Editor responding to HNA/Triveris letters. Refers to the health plan administrator as Grace's "prostitute."	Prejudicial
A-25	10/5/05	News story on scheduled EPA clean-up progress meeting in Libby. W.R. Grace is mentioned one time.	Factual
A-26	10/7/05	Letter to the Editor from asbestos-related disease victim calling the Defendants greedy and crooked. Tells Defendants, "We victims hope to bear witness when you stand before Him to hear sentence passed."	Prejudicial

The Daily Inter Lake - Kalispell, MT

Ex. No.	Date	Summary	Nature of Item (Factual vs. Prejudicial)
55	11/14/05	Feature on Libby asbestos activists Les Skramstad and Gayla Benefield. Contains one reference to criminal case and Skramstad's statement that Grace is "shirking its duties."	Primarily factual; some prejudicial content

¹Articles beginning with the letter A are included in Exhibit A to Grace's Reply Brief.

56	11/16/04	News story about books and documentaries on Libby contamination. Summarizes the various books and films. Contains one filmmaker's reference to a "W.R. Grace Corp. cover-up" and reports that a former Grace executive "is suspected to have suppressed a federal investigation into Libby's asbestos contamination.	Primarily factual; some prejudicial content
57	11/16/04	News story on Kalispell attorneys handling civil suits against Grace. Contains background on asbestos lawsuits and legislation. Contains attorney's statements that Grace's proposed medical trust for victims is "not even close to fair" and that the people of Libby have been "horribly wronged."	Primarily factual; some prejudicial content
58	11/17/04	Editorial praising Libby's progress in responding to asbestos contamination.	Non-prejudicial
59	12/23/04	Editorial on Montana Supreme Court ruling that State is not immune from suit by Libby miners claiming it should have warned them of asbestos dangers. Urges careful consideration of such suits. Contains a single sentence stating Grace and state and federal agencies share the blame for Libby contamination.	Primarily non-prejudicial; one mild prejudicial reference
60	2/1/05	Editorial urging Montana's senators to continue to work for federal asbestos legislation compensating Libby asbestos victims. Contains one reference to "the damage done by Grace."	Primarily non-prejudicial; one mild prejudicial reference
61	2/8/05	News story on the federal indictment. Describes indictment as vindication for former union president's crusade to expose Grace. Briefly profiles Defendant Stringer, a former Libby resident.	Primarily factual; several prejudicial references
62	2/13/05	News story profiling individual Defendants. Includes summary of the criminal charges.	Factual
63	4/29/05	News story on changes to federal asbestos compensation bill. One mention of W.R. Grace.	Factual
64	5/25/05	News story on inclusion of "Libby fix" in asbestos compensation bill. W.R. Grace mentioned one time.	Factual
A-5	9/18/05	News story on Libby residents participating in national mesothelioma study. W.R. Grace mentioned one time.	Factual
A-11	9/25/05	News story on HNA/Triveris letters. Features headline, "W.R. Grace to asbestos victims: You're not sick." Contains quote from asbestos victim and CARD doctor saying Grace intends to use letters to limit liability.	Prejudicial

A-20	9/29/05	Editorial claiming Grace is trying to limit liability through HNA/Triveris audit.	Prejudicial
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The Missoula Independent - Missoula, MT

Ex. No.	Date	Summary	Nature of Item (Factual vs. Prejudicial)
17	9/9/04	Feature on congressional debate over what diseases will be covered by asbestos bill. Contains sympathetic portrayal of victims. Refers to Grace as "the mining company that knowingly exposed many in the Libby community to asbestos, resulting in more than 200 asbestos-triggered deaths.	Prejudicial material overshadows otherwise factual reporting
19 ²	11/11/04	News story on Grace's press release revealing grand jury investigation. States that Grace is "responsible for more than 200 asbestos-related deaths in Libby."	Prejudicial material overshadows otherwise factual reporting
20	12/30/04	News story on college survey measuring the use in Libby of wood stoves for heat.	Factual
21	12/30/04	News story on the year in review. Contains short capsule about Libby contamination and refers to Grace as "the vermiculite mining company responsible for more than 200 asbestos-related deaths in the community so far."	Prejudicial material overshadows otherwise factual reporting
22	2/17/05	News story on federal indictment. Contains prejudicial quotes, erroneous reference to Les Skramstad as a "former Grace worker," sympathetic portrayal of victims.	Pervasive Prejudicial material
23	4/21/05	News story highlighting shortcomings in proposed asbestos compensation bill. Contains one reference to Grace offering an activist \$600,000.00 "to shut up."	Primarily factual; some prejudicial material
24	5/12/05	Feature profiling this Court. No relation to this matter.	Non-prejudicial

²The Defendants have mistakenly dated Item No. 18 in the Missoula Independent collection "10/16/04." The article was printed on October 16, 2003 and is therefore not within the time frame of this Appendix.

The Missoulian - Missoula, MT

Ex. No.	Date	Summary	Nature of Item (Factual vs. Prejudicial)
327	6/7/04	News Story on former Grace employee's challenge to 3-year statute of limitations for worker's compensation occupational disease claims.	Factual
328	8/14/04	News Story on EPA head Mike Leavitt's Libby visit. Contains brief background on Libby contamination.	Factual
329	8/22/04	Editorial questioning whether EPA head's visit reflects a genuine commitment to cleaning up Libby. Refers to a "disaster" in Libby, deaths from asbestos exposure. W.R. Grace mentioned twice.	Primarily non-prejudicial; one prejudicial reference
330	10/14/04	News Story on failure of federal asbestos compensation bill. Grace not mentioned.	Factual
331	10/30/04	News Story on Grace press release revealing grand jury investigation. Contains brief background on Grace's ownership of the Libby mine. Refers to court ruling requiring Grace to compensate EPA for Libby clean-up costs.	Factual
332	12/10/04	News story on study's projected costs of health care for those exposed to asbestos in Libby. Contains explanation of costs covered by Grace-funded health plan.	Factual
333	12/12/04	News story on outgoing Gov. Judy Martz's reflections on her tenure. One brief reference to Martz's use of the state's "Superfund 'silver bullet' in Libby to clean up the mess left by W.R. Grace and Co."	Primarily factual; one prejudicial reference
334	12/15/04	News story on Montana Supreme Court ruling that State is not immune from suit by Libby miners claiming it should have warned them of asbestos dangers. Contains brief background on Grace's ownership of the Libby mine.	Factual
335	2/8/05	News story on grand jury indictment. Summarizes charges and evidence in indictment.	Factual
336	2/8/05	News story on Libby residents' reaction to the indictment. One resident is quoted saying he will reserve judgment until the evidence is presented, but that "the people who did this should be held to the fire." Libby mayor is quoted as saying, "Let's make sure we have the right guys here."	Factual; one mild prejudicial reference

337	2/8/05	News story on Libby-specific provisions federal asbestos bill. Story calls bill a "bailout" of asbestos companies. Plaintiff's attorney is quoted referring to "Grace's ruthless conduct in putting profits over the health of its workers."	Primarily factual; one prejudicial reference
338	2/8/05	News story on grand jury indictment. Contains summary of charges and background on Libby contamination and Grace's ownership of the mine. Contains quotes from U.S. Attorney Mercer ("A human and environmental tragedy" has occurred in Libby") and Libby resident ("It's criminal how they harmed so many people").	Primarily factual; two prejudicial quotes
339	2/13/05	Feature on Libby residents' reaction to charges. Contains one asbestosis sufferer's fantasy of Grace executives being hanged and another's statement that "Of course [the Defendants] are guilty."	Prejudicial material overshadows otherwise factual reporting
340	2/20/05	Letter to the Editor criticizing President Bush. One reference to "Libby's on-going asbestos tragedy."	Primarily non-prejudicial
341	2/23/05	News story on Defendants' pleas of not guilty. Summarizes charges in indictment. Contains quotes from one Libby resident remarking on the number of defense attorneys and stating that the Defendants showed "no remorse" in court.	Primarily factual; mild prejudicial references
342	2/24/05	Letter to the Editor criticizing President Bush. Accuses Grace of "knowingly endanger[ing] its employees and the community of Libby with deadly asbestos."	Prejudicial
343	2/27/05	Feature on Libby's economic struggles. Refers to "deadly asbestos pollution" from Grace's Libby mine. No other references to Grace.	Primarily factual; one mild prejudicial reference
344	2/28/05	News story on economic forces leading to diversification of Libby industry. Contains brief background on the Libby mine.	Factual
345	3/5/05	News story on bill to require Grace to pay \$250 million into asbestos victims' trust. Contains quote from Sen. Baucus that Grace "has willfully harmed the innocent citizens of Libby."	Primarily factual; one prejudicial reference
346	3/9/05	News story on Defendant McCaig pleading not guilty. Summarizes charges in indictment.	Factual
347	3/10/05	News story reporting that a trial date has been set in the criminal case. Contains summary of charges.	Factual

348	4/7/05	Letter to the Editor criticizing media for failure to alert Libby community to the dangers of asbestos.	Non-prejudicial
349	4/13/05	News story on proposed compensation for Libby asbestos victims in federal asbestos bill. Contains brief background on Libby mine and contamination.	Factual
350	4/21/05	Letter to the Editor criticizing asbestos bill. Portrays Defendants as greedy executives "laughing all the way to the bank" and calls for corporate accountability.	Prejudicial
351	5/20/05	News story on revised estimates for completion of Libby clean-up. Contains brief background on Libby mine and contamination.	Factual
352	5/24/05	News story reporting trial date set for September 11, 2006. ³	Factual
353	6/25/05	News story on EPA nominee's law firm's ties to Grace. Contains quotes from Libby activist accusing Grace of filing for bankruptcy to avoid its "moral obligations."	Factual; one prejudicial reference
354	7/20/05	News story on Sen. Baucus' decision to oppose confirmation of EPA nominee whose law firm lists Grace as a client.	Factual
A-12	9/26/05	News story on HNA/Triveris letters. Contains sarcastic quotes by Libby residents saying Grace has "waved their hand across Libby and said, 'You're healed.'"	Primarily factual; some prejudicial quotes

³Although this story ran on May 24, 2005, the September 11, 2006 trial date was set more than two months earlier by written Order dated March 15, 2005. See docket entry No. 91.