

MONTANA WORKERS' COMPENSATION COURT

Minute Book Hearing No. 5018
Volume XXVII

Missoula, Montana
February 17, 2022

ROBERT FLYNN and CARL MILLER,
Individually and on Behalf of Others Similarly Situated

Rex Palmer

vs.

MONTANA STATE FUND

and

LIBERTY NORTHWEST INSURANCE CORPORATION

Leo S. Ward

WCC No. 2000-0222

A status conference came on this date at 3:00 p.m. via Zoom videoconference. The Honorable David M. Sandler, Judge of the Workers' Compensation Court, presided. Rex Palmer represented Petitioner Robert Flynn. Leo S. Ward represented Respondent Liberty Northwest Insurance Corporation (Liberty Northwest). The court reporter was Laurie Crutcher of Lesofski Court Reporting & Video Conferencing.

The conference was scheduled at the initiation of the Court.

Liberty is paying claimants as and when they are identified. Liberty has identified other claimants that fall outside the scope of the attorney lien, is paying them directly, and is withholding the portion of attorney fees—approximately \$3,000—pending a hearing with the Court. Flynn stated some claimants are waiting for responses from the Social Security Administration. Flynn would prefer to wait to request a hearing until the monies held back is more significant or that all the claimants are identified, and is satisfied with the way the case is progressing.

Liberty Northwest has no objection to Flynn reaching out directly to contact claimants to assist in this matter reaching a conclusion. Liberty Northwest's position is that, although there may be a few more claimants that "trickle in," its preference is to get this matter finally resolved.

It is this Court's intention to schedule a hearing in October 2022 to rule on the attorney fees withheld by Liberty Northwest with the goal to come to a final closure of this matter. The Court will contact the parties in August 2022 for status and schedule a hearing in Helena in October.

The parties agreed to continue to work together cooperatively.

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Court adjourned at 3:13 p.m.

DAVID M. SANDLER
Judge

Minute Entry emailed to parties of record on February 18, 2022.

DMS/JP

Docket Item No. 758