

MONTANA WORKERS' COMPENSATION COURT

Minute Book Hearing No. 5032
Volume XXVII

Missoula, Montana
August 24, 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 11:00 a.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 Ins. Corp. (Liberty). The Court Reporter was Laurie Crutcher of Lesofski Court Reporting & Video Conferencing.

The status conference was scheduled at the initiation of the Court to clarify the necessity for an attorney fee hearing that initially was to be scheduled sometime in October.

After colloquy, the parties agreed to work together to draft a motion and affidavit to be signed by Ward, along with a proposed order. The motion shall set forth that Liberty has paid out the remaining \$3,000 in attorney fees and it knows of no other claimants that would be entitled to fees or costs. Liberty's requested relief would be to be dismissed from this action. Once issued, the order would dismiss this action and close the Court's file. The order will rule that Palmer's attorney lien remains valid for any claims that meet the criteria as set forth in the Montana Supreme Court's November 29, 2011, decision,¹ and all insurers are expected to honor the attorney lien.

¹ *Flynn v. Mont. State Fund*, 2011 MT 300, 363 Mont. 55, 267 P.3d 23.

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Court adjourned at 11:21 a.m.

DAVID M. SANDLER
Judge