

WORKERS' COMPENSATION COURT

Hearing No. 3591
Volume XVII

Helena, Montana
April 28, 2005

ROBERT FLYNN and CARL MILLER

Rex Palmer

vs.

MONTANA STATE FUND

Bradley J. Luck
Thomas J. Harrington
Thomas E. Martello

and

LIBERTY NORTHWEST INSURANCE CORPORATION
(Intervenor)

Larry W. Jones

WCC No. 2000-0222

I had a conference call with above counsel to discuss finalization of the global summons and the status of the State Fund's ongoing identification of *Flynn* claimants. Mr. Jones participated in discussion of the summons but not the remainder. We conferenced in Ms. Cris McCoy during discussion of the status of the State Fund's work. Ms. McCoy is in charge of the project.

All counsel agreed to the revised summons. It will be sent out shortly.

The identification and payment of *Flynn* claimants is proceeding. Three hundred ninety-eight of the seven hundred sixty-eight claimants identified as possibly eligible have returned their questionnaires with appropriate documentation. Another 110 responses have been sent to Mr. Palmer for his review.

Many claimants have not responded and their mail has not been returned, nevertheless, Mr. Palmer is concerned that the mailing addresses for some of them may be stale. We agreed that Ms. McCoy will provide Mr. Palmer with a list of those claimants. If he can find better addresses for any of them, he will provide them so that new notices can be sent out.

There was also discussion concerning review of settlement agreements and the possibility that some cases with *Flynn* benefits may have been settled after January 2004, without taking *Flynn* benefits into account. He is interested only in cases where claimants were unrepresented. Ms. McCoy agreed to provide the Court with a list of the settled cases. The Court will then provide a list of the post-January 2004 settlements and ask the Department of Labor to identify the claimants without attorneys. The lists will then be furnished to counsel.

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Ms. McCoy will also provide Mr. Palmer with monthly lists of new settlements involving claimants identified as possible *Flynn* beneficiaries.

MIKE McCARTER
Judge

Minute Entry e-mailed to Flynn Distribution List and Ms. Cris McCoy on May 3, 2005.