

Rex Palmer  
ATTORNEYS INC., P.C.  
301 W Spruce  
Missoula, Montana 59802  
(406) 728-4514  
ATTORNEYS FOR PETITIONERS

**FILED**

**FEB 16 2006**

OFFICE OF  
WORKERS' COMPENSATION JUDGE  
HELENA, MONTANA

IN THE WORKERS' COMPENSATION COURT IN THE STATE OF MONTANA  
BEFORE THE WORKERS' COMPENSATION JUDGE

Robert Flynn,	)	WCC No. 2000-0222
	)	WCC No. 2003-0771
and	)	
	)	
Carl Miller, individually and on	)	CERTIFICATE OF MAILING
behalf of others similarly situated,	)	
Petitioners,	)	
v.	)	
	)	
Montana State Fund	)	
Respondent/Insurer.	)	

\* \* \* \* \*

I hereby certify that I served the attached copy of ORDER FOR NOTIFICATION OF COMMON FUND FEE SETTLEMENT AND HEARING DATE dated January 3, 2006, upon the Claimants whose names appear on the attached list by depositing a true copy thereof in the United States mail postpaid, addressed to each claimant as in the following list on January 11, 2006.

DOCKET ITEM NO. 464

First Name	Last Name	Address	City	St	Zip
Mrs. John	Bartlett	302 S Minnesota	Conrad	MT	59425
Calvin	Cleveland	PO Box 803	Ennis	MT	59729 -0803
Barbara	Kindsfather	3136 Woodridge Dr	Hurst	TX	76054
Roy	Koski	409 E Legion St 8	Whitehall	MT	59759
Henry O	Nickey	1560 Boston Rd	Helena	MT	59602
Shirley	Stevens	206 4 <sup>th</sup> St W #2	Billings	MT	59101

I hereby certify that I served the attached copy of ORDER FOR NOTIFICATION OF COMMON FUND FEE SETTLEMENT AND HEARING DATE dated January 3, 2006, upon the Claimants whose names appear on the attached list by depositing a true copy thereof in the United States mail postpaid, addressed to each claimant as in the following list on January 12, 2006.

First Name	Last Name	Address	City	St	Zip
Kenneth J	Rosean	113 W Evergreen	Kalispell	MT	59901
William R	Silverthorn	PO Box 307	Plains	MT	59859-0307
Joseph	Barnoski	1800 Dove Ln	Corwley	TX	76036-5718
Craig Leeper	c/o Ms. Sharon Brua	1744 Brewington Dr	Billings	MT	59105
Richard R	Parkinson	747 N 135 <sup>th</sup> St Apt 534A	Seattle	WA	98133-7442
Raymond	Stewart	210 N Montgomery	Cle Elum	WA	98922
Betty	Robertson	1721 6 <sup>th</sup> Ave N	Great Falls	MT	59401-1721

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following list on January 13, 2006.

First Name	Last Name	Address	City	St	Zip
Ruth	Clark	c/o Terrence J Clark PO Box 644	Anaconda	MT	59711
Candace A	Condon	116190 Ridge Rd	Silver Bow	MT	59750
William T	Craft	c/o Doris Craft 3000 Villard #174	Helena	MT	59601
Carol A	Crittendon	131 Trinity Loop	Butte	MT	59701
Faustina	Dirksen	c/o Vera Smereck 1208 Buena Dr	Great Falls	MT	59404-3750
Loyal	Dopp	c/o Janet C. Dopp 301 Airport Rd	Stevensville	MT	59870
Virgil N	Hanson	317 Oak St W	Sisseton	SD	57262
James	Henderson	c/o heir or Personal Representative of the Estate of James Henderson 222 S 10 <sup>th</sup> St	Livingston	MT	59047
Hugh I	Hilson	211 Monroe	Oregon City	OR	97045
Jean E	Hook	905 Prairie View Rd	Kalispell	MT	59901
Arlene L	Hubbert	601 Adams, PO #10	Terry	MT	59349
Connie K	Judgbluth	PO Box 134, 1120 3 <sup>rd</sup> Ave S Apt #4	Glasgow	MT	59230
Douglas K	Kober	PO Box 111	Laurel	MT	59044
Steven M	Lambert	3330 Banff Ave #10	Billings	MT	59102
Daniel E	Means	308 Red Fox Farm Box 1161	Lolo	MT	59847
Mary Ann	Neely	17 Brecken Ct	Bozeman	MT	59718
Jerry D	Norheim	PO Box 273	Nashua	MT	59248
Patsy C	Siaperas	200 Pioneer Dr	Dillon	MT	59725
Carol	Siler	c/o Chris Siler 2138 Airport Rd	Kalispell	MT	59901
Ellen A	Sinness	c/o heir or Personal Representative of the Estate of Ellen Sinness 624 W Broadway	Lewistown	MT	59457
Shawn	Swaney	c/o PO Box 96	Thompson Falls	MT	59873
Shawn	Swaney	PO Box 190	Hot Springs	MT	59845-0190
Ralph W	Turgeon	13248 Lindo Ln	Lakeside	MT	92040
Anton	Walchuk	c/o heir or Personal	Ronan	MT	59864

First Name	Last Name	Address	City	St	Zip
		Representative of the Estate of Anton Walchuk 211 Michelle Rd			
Ronda R	Williams	29 Fir St	Trout Creek	MT	59874

I hereby certify that I served the attached copy of ORDER FOR NOTIFICATION OF COMMON FUND FEE SETTLEMENT AND HEARING DATE dated January 3, 2006, upon the Claimants whose names appear on the attached list by depositing a true copy thereof in the United States mail postpaid, addressed to each claimant as in the following list on January 17, 2006.

First Name	Last Name	Address	City	St	Zip
Roxanne	Bruce	3925 Mount Ave	Missoula	MT	59804
Suzanne M	Swartz	3701 17 <sup>th</sup> Ave S	Great Falls	MT	59405
John	Bartlett	c/o Jean Bartlett Horizon Lodge, Apt 210	Conrad	MT	59425


I hereby certify that I served the attached copy of ORDER FOR NOTIFICATION OF COMMON FUND FEE SETTLEMENT AND HEARING DATE dated January 3, 2006, upon the Claimants whose names appear on the attached list by depositing a true copy thereof in the United States mail postpaid, addressed to each claimant as in the following list on January 18, 2006.

First Name	Last Name	Address	City	St	Zip
Mary Ann	Neely	17 Brecken Ct	Bozeman	MT	59718-6620

I hereby certify that I served the attached copy of ORDER FOR NOTIFICATION OF COMMON FUND FEE SETTLEMENT AND HEARING DATE dated January 3, 2006, upon the Claimants whose names appear on the attached list by depositing a true copy thereof in the United States mail postpaid, addressed to each claimant as in the following list on January 20, 2006.

First Name	Last Name	Address	City	St	Zip
Carl A	Hembree	1701 Judd Circle	Billings	MT	59102

DATED in Missoula, Montana, this 15<sup>th</sup> day of February 2006.

  
\_\_\_\_\_  
Miva VanEngen  
Paralegal to Rex Palmer

CERTIFICATE OF SERVICE

I hereby certify that on the 15<sup>th</sup> day of Feb 2006, a true and correct copy of the foregoing was served upon the following by U.S. mail, hand-delivery, Federal Express, facsimile or email:

Brad Luck  
Garlington, Lohn & Robinson  
PO Box 7909  
Missoula, MT 59807

- U.S. Mail
- Hand Delivered
- Federal Express
- Facsimile
- Email

Tom Martello  
State Fund  
PO Box 4759  
Helena, MT 59601

Mira Van Eger

**IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA**

**WCC No. 2000-0222**

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

**vs.**

**MONTANA STATE FUND  
Respondent/Insurer**

**and**

**LIBERTY NORTHWEST INSURANCE CORPORATION  
Intervenor.**

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**ORDER FOR NOTIFICATION OF COMMON FUND FEE SETTLEMENT AND  
HEARING DATE**

¶1 As a result of previous decisions in the above-captioned cause, Petitioners have established a legal precedent for certain claimants to receive additional workers' compensation benefits as a result of the Montana State Fund reducing benefit payments by taking a Social Security offset without paying any share of the costs and fees incurred by the claimant to recover the Social Security award. You have been identified as a claimant who may be entitled to additional benefits. The amount of additional benefits to which you may be entitled has been determined and approved by Order of this Court. You have or will receive a letter from the Montana State Fund advising you of the amount of additional benefits. There is no need for you to take any action to receive this additional benefit. Please do not contact the Montana State Fund or the Court about this entitlement.

¶2 Since the Petitioners in this case established the legal precedent for additional benefits, Petitioners' attorneys may be entitled to recover attorneys' fees from any additional amount that is due you. Petitioners propose that the attorneys' fees be fixed at twenty-five percent (25%) of the additional benefit set forth above. The Montana State Fund, by agreement, does not object to this amount. If the proposal is approved, you will receive seventy-five percent (75%) of the additional benefit set forth above. (If you have already been notified of your additional entitlement, 25% of your additional entitlement may

have been withheld pending hearing on the attorneys' fees that may be payable to Petitioners' attorneys.) You have the right to support or object to the proposed amount of the attorneys' fees.

¶3 At 9:00 a.m. on the 16th day of February, 2006, the Court will hold a hearing to determine the amount of the fees. The hearing will be held at the Workers' Compensation Court, 1625 11th Avenue, Helena, Montana. You have the right to be present at that hearing and to voice your support for or objection to the proposed fees. You may also file written statements supporting or objecting to the proposed fee by mailing your statement to the Workers' Compensation Court, P.O. Box 537, Helena, MT 59624-0537, no later than the 10th day of February, 2006. After the hearing, the Court will determine what fees are due.

DATED in Helena, Montana, this 3d day of January, 2006.

/s/ James Jeremiah Shea  
JUDGE

(SEAL)

c: Mr. Rex Palmer  
Mr. Thomas E. Martello  
Mr. Bradley J. Luck