

FILED

FEB 13 2015

OFFICE OF
WORKER'S COMPENSATION JUDGE
HELENA, MONTANA

IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

WCC No. 2000 - 0222

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.

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 AIG Insurers (*see attached Exhibit A*) 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

DOCKET ITEM NO. 724

have or will receive a letter from AIG Insurers 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 AIG Insurers 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 forty percent (40%) of the additional benefit set forth above. The AIG Insurers, by agreement, do not object to this amount. If the proposal is approved, you will receive sixty percent (60%) of the additional benefit set forth above. *(If you have already been notified of your additional entitlement, 40% 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 10:00 a.m. on the 4th day of May 2015, 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 28th day of April, 2015. After the hearing, the Court will determine what fees are due.

Dated this ~~13th~~ day of February 2015.



David M. Sand

JUDGE

c: Rex Palmer
Steven W. Jennings

EXHIBIT A

- AIU Insurance Co.
- American International Pacific Insurance Co.
- American Home Assurance Co.
- Birmingham Fire Insurance Co.
- Commerce & Industry Insurance Co.
- Granite State Insurance Co.
- Insurance Co. of the State of Pennsylvania
- National Union Fire Ins. Co. of Pittsburgh, PA
- New Hampshire Insurance Co.
- AIG National Insurance Co.
- American International Specialty Lines Insurance
- American International Insurance Co.
- Illinois National Insurance Co.
- American General Corp.