

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 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