

WORKERS' COMPENSATION COURT
LEWIS AND CLARK COUNTY

ROBERT FLYNN and CARL MILLER,

-vs-

MONTANA STATE FUND.

) WCC No. 2000-0222
)
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)
)

ORIGINAL

TRANSCRIPT OF PROCEEDINGS

Heard at the Offices of the Workers' Compensation Court
1625 Eleventh Avenue
Helena, Montana
February 16, 2006
9:26 a.m.

LAURIE CRUTCHER, RPR
Lesofski & Walstad Court Reporting
21 North Last Chance Gulch, Suite 201, Placer Center
Helena, Montana 59601 (406) 443-2010

1 WORKERS' COMPENSATION COURT
2 LEWIS AND CLARK COUNTY
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5 ROBERT FLYNN and CARL MILLER,)WCC No. 2000-0222
6)
7 vs.)
8)
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12 TRANSCRIPT OF PROCEEDINGS
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17 BE IT REMEMBERED, that the above-captioned
18 proceedings was heard at the Offices of the
19 Workers Compensation Court, 1625 Eleventh Avenue,
20 Helena, Montana, on the 16th day of February,
21 2006, beginning at the hour of 9:26 a.m., before
22 the Honorable James Jeremiah Shea, was reported by
23 Laurie Crutcher, Registered Professional Reporter,
24 Notary Public.
25

* * * * *

A P P E A R A N C E S

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1 Whereupon, the following proceedings were
2 had:

3 * * * * *

4 THE COURT: We're on the record in the
5 matter of Flynn versus Montana State Fund, Cause
6 No. 2000-0222. This is the time that has been set
7 for a hearing regarding attorneys fees pursuant to
8 an order that had been issued by this Court on
9 January 3rd, 2006. It is now about 9:26 a.m. The
10 time set for hearing is 9:00 a.m. for claimants
11 who are affected to appear, and state any
12 objections or state any position they wanted.
13 Nobody has appeared.

14 The attorneys present are Rex Palmer on
15 behalf of the claimants; and on behalf of Montana
16 State Fund is Tom Martello and Steve Jennings. So
17 Rex --

18 MR. JENNINGS: Your Honor, I represent a
19 variety of insurers, and not Montana State Fund.

20 THE COURT: I apologize. So that
21 correction will be noted. Steve is here on behalf
22 the other insurers.

23 Rex, when we were off the record, was
24 going through just some housekeeping matters and
25 kind of an update to the Court, and so I'm just

1 going to ask Rex to kind of give us that update
2 for the record.

3 MR. MILLER: Thank you, Your Honor. I
4 mentioned to begin with that in December, on
5 December 1st, there was a preliminary hearing
6 preparing for this hearing, and the minute entry
7 reflects that our calculations at that time were
8 that an average recovery for the claimants was
9 \$14,000, and that's a typographical error. It was
10 actually an estimate of \$1,400 at that time.

11 Now it appears as though with updated
12 information, about 525 of the 800 claimants that
13 had been notified as possible beneficiaries of
14 this action, 525 were disqualified either because
15 they died before the deadline, or they filed no
16 response, or they had no Social Security fees or
17 costs that would have entitled them to benefits.

18 That left about 273 claimants who
19 provided proof of their attorneys fees and costs.
20 Many of them did not have that proof, and so with
21 the Court's approval, we contacted many of them
22 with information allowing us to contact Social
23 Security on their behalf. When they provided that
24 to us, we provided information and inquiries to
25 the Social Security Administration, and we

1 provided that proof back to the State Fund, and
2 they've entered that into their records.

3 With the new claimants being entered in,
4 it now appears that the average recovery will
5 \$1,304, and the average fee, if the 25 percent fee
6 is approved, will be \$326. Two claimants have
7 responded in writing, and the Court's order
8 permitted claimants to respond in writing or
9 appear today at 9:00 in the morning. It's
10 presently almost 9:30. No one has appeared yet,
11 and we're still waiting.

12 One of the individuals that responded
13 was Virgil Hanson. The information we received
14 from the State Fund indicated that he had a 1986
15 injury, and was represented by James Regnier in
16 the workers compensation and the Social Security
17 matter.

18 Mr. Hanson is suggesting, as I read his
19 note, that a 20 percent fee would be preferable to
20 a 25 percent fee. His Social Security fee paid to
21 Mr. Regnier was \$150, so his entitlement under
22 this common fund action would be \$750. A 25
23 percent fee would be \$187.50, and the balance to
24 him would be \$562.50.

25 That other individual that responded was

1 David Wagner. He had a 1994 injury, and was
2 represented by Pat Sheehy. He questions whether
3 any fee should be paid to get what he, quote, "has
4 coming." In his instance, Pat Sheehy represented
5 him with a 25 percent fee agreement in the Social
6 Security action, and he obtained \$997.50; Pat
7 Sheehy did. So under this action, his entitlement
8 would be \$498.75. A 25 percent fee would be
9 \$124.69, with a balance to him of \$374.06.

10 He was one who did provide some
11 information on his own, but that appears was not
12 acceptable to the State Fund, as their preliminary
13 reports did not calculate him in as the entitled
14 recipient. The information he provided was a
15 letter from his attorney, and not the proof from
16 the Social Security Administration that the
17 Court's order has required. And so we contacted
18 him; got his approval; he signed that release; we
19 contacted the Social Security Administration; and
20 received the proof that the Sheehy letter was
21 correct; and we were able to provide that
22 information to the State Fund two days before the
23 deadline.

24 Now, at this point, he hasn't been paid.
25 We trust that he will be. He's one that our

1 active involvement clearly not only provided the
2 initial entitlement by going to the Court and
3 establishing this precedent, but it was our effort
4 that instrumentally brought his claim to the State
5 Fund, and I suspect will be approved. We haven't
6 gotten word or whether it will or won't be.

7 THE COURT: You won't getting the fee,
8 25 percent or otherwise, as pertains to Mr.
9 Hanson.

10 MR. MILLER: That's right, but he hasn't
11 gotten anything. There hasn't been an approval
12 from the State Fund. We don't expect a problem
13 like that. Certainly if two more days had passed,
14 he would have been past the deadline that was
15 allowed for his group of claims.

16 So that's what we have.

17 THE COURT: I misspoke. I said Mr.
18 Hanson. That was Mr. Wagner.

19 MR. MILLER: Right. So that's the
20 information we have. We have a certain amount of
21 other calculations information that we've received
22 from the State Fund on spreadsheets they've
23 provided, and we've added information to that, and
24 come up with these numbers. And like I said, I
25 think there are about 68 that are still in

1 process.

2 There are some that are not paid, and I
3 believe Chris McCoy is working on those in some
4 kind of a factory fashion, trying to get them all
5 out.

6 THE COURT: Okay. Is there anything you
7 want to add, Mr. Martello, Mr. Jennings?

8 MR. JENNINGS: Yes, Your Honor. I had a
9 bit of a spiel prepared on the law, because we
10 believe -- and I'm sure Rex is not going to want
11 to hear this -- but we believe that a common fund
12 doctrine with respect to this across the board
13 percentage of the recovery realized by the
14 non-participating beneficiaries is a
15 misapplication of the common fund.

16 The common fund doctrine does not -- At
17 its simplest, the common found doctrine is simply
18 an exception to the American rule, which, of
19 course, as Your Honor knows, simply allows
20 recovery of attorneys fees under some
21 circumstances.

22 Addressing the common fund in Flynn, in
23 the case we're discussing here today, the Supreme
24 Court stated that, quote, "Generally the common
25 fund doctrine authorizes assigning responsibility

1 for fees among those individuals who benefit from
2 the litigation which created the common fund. The
3 doctrine entitles the party who created the fund
4 to reimbursement of his or her reasonable
5 attorneys fees from the common fund," closed
6 quote.

7 Your Honor, we read this as stating that
8 the right to the attorneys fees belongs to Mr.
9 Flynn to have those fees reimbursed. Where are
10 those fees? Those fees are the fees that he
11 incurred in the Flynn litigation.

12 Mr. Palmer would have done this on a
13 contingent arrangement, but whether it was an
14 hourly arrangement or not, the fee is capped by
15 Montana regulation, by the Montana Administrative
16 Rules, at 25 percent. That particular rule is
17 24.29.3802 sub (3) of the ARM; and the long and
18 short of it is that for a case that goes before
19 this Court or the Supreme Court on a contingency
20 fee, the attorneys fees are capped at 25 percent.

21 And let me quote from that regulation.
22 "25 percent of the amount of additional
23 compensation payments the claimant receives from
24 an order of the Workers Compensation Judge or the
25 Supreme Court due to the efforts of the attorney."

1 Clearly Mr. Palmer was successful in
2 getting the claimant in this case, Mr. Flynn,
3 additional benefits. Those benefits would have
4 been one half of the attorneys fees incurred by
5 Mr. Flynn in pursuing his SSDI. I don't know what
6 those attorneys fees were in Mr. Flynn's case, but
7 if we do the average that Mr. Palmer has provided
8 us of \$1,304, 25 percent of that is \$326. Those
9 are the attorneys fees that Mr. Flynn is entitled
10 to reimbursement for.

11 The 25 percent assessment against each
12 recovering non-participating beneficiary makes
13 each non-participating beneficiary pay the
14 entirety of the 25 percent. In essence, Mr.
15 Palmer has increased his attorneys fees by a
16 multiple equal to the number of non-participating
17 beneficiaries. That's not the common fund. That
18 doesn't allow us to tax the common fund doctrine
19 as held in Flynn, does not allow us to tax the
20 common fund to any degree greater than that
21 necessary to reimburse Mr. Flynn for the attorneys
22 fees incurred.

23 As I've stated, the attorneys fees
24 incurred would have been capped at 25 percent of
25 Mr. Flynn's recovery, not at 25 percent of the

1 common fund, not at 25 percent of the aggregate of
2 the individual recoveries from non-participating
3 beneficiaries.

4 The math here is very clear. Using Mr.
5 Palmer's figures that he's provided us with today,
6 if we take the \$326, 25 percent figure, from the
7 \$1,304 recovery figure that he has provided,
8 multiply that times the 273 eligible
9 non-participating Flynn beneficiaries, we get a
10 recovery by probably -- we get attorneys fees
11 charged by Mr. Palmer in the amount of \$73,998.

12 Every dollar beyond that which is
13 required for attorneys fees reimbursement under
14 the common fund comes out of the recovery of a
15 workers compensation claimant, but specifically in
16 this case, it comes out of the recovery of someone
17 who has been held to be eligible for Social
18 Security Disability. These are seriously disabled
19 people who are now being asked to fund, via this
20 across the board 25 percent assessment, who are
21 now being asked to fund attorneys fees in excess
22 of \$73,000, when under Montana regulation, Mr.
23 Palmer's attorneys fees would be capped at 25
24 percent of Mr. Flynn's recovery.

25 And Rex, I don't know exactly what Mr.

1 Flynn's recovery was, half of the attorneys fees
2 he incurred in pursuing SSDI; but I'm guessing
3 it's on the order of somewhere around your
4 average, \$1,304. Every dollar beyond that 25
5 percent is coming directly from the benefits due
6 and payable to a Flynn claimant who is a disabled
7 person. I see no justification for this in the
8 common fund doctrine.

9 THE COURT: Let me interrupt you for one
10 second. They wouldn't be get anything but for the
11 establishment, from the benefit of Mr. Palmer's
12 work. The pay is coming from additional benefits
13 that they're receiving, and they're getting 75
14 percent of something, instead of 100 percent of
15 nothing.

16 MR. JENNINGS: And that's a very good
17 point, Your Honor. Mr. Palmer's activities did in
18 fact win those benefits for them, but the common
19 fund doctrine provides us with a formula for
20 finding out and computing Mr. Palmer's fee for
21 that. And it's not a right held by Mr. Palmer,
22 it's a right held by Mr. Flynn, who is entitled to
23 the reimbursement of his attorneys fees.

24 And the math that you just did, 100
25 percent of nothing or 75 percent of a significant

1 something, that's an equitable balance, and it
2 might be a good equitable balance, it might be a
3 bad equitable balance, I don't know; but we don't
4 have to go there, because that's not the common
5 fund doctrine. If we're talking about
6 incentivising an attorney such as Mr. Palmer to
7 fight on behalf of claimants who otherwise might
8 get nothing, then we're talking about an entirely
9 different concept. We're talking about the
10 Private Attorney General theory, which exists for
11 the precise reason to incentivise attorneys like
12 Mr. Palmer to do what he's done here today.

13 That has never been pled here. The
14 elements of the Private Attorney General have
15 never been proven in the Flynn case. We're not
16 dealing with that here. We are dealing with the
17 common fund, which only permits Mr. Flynn to
18 recover his attorneys fees actually incurred.

19 THE COURT: But as a practical
20 application, these would -- for the most part --
21 not all -- of these cases are going to predate the
22 amendments to 2003, which talk about equitable
23 resolutions, and arguably has been argued in the
24 Thompson case would apply to the Private Attorney
25 General theory. We're talking about then if we

1 applied the Private Attorney General theory, then
2 instead of each individual claimant paying an
3 incremental amount of recovery that they got
4 because of Mr. Palmer's efforts, then the insurers
5 are going to pay based on an hourly rate under the
6 Private Attorney General theory, if that's --

7 MR. JENNINGS: If that's what's
8 applicable, but I can't see how that's applicable,
9 Your Honor, because it's never been alleged. And
10 in order to invoke the Private Attorney General
11 doctrine -- which again is simply nothing more
12 than another exception to the American rule -- in
13 order to invoke that, we have those three
14 elements, I believe it is, of that doctrine that
15 it is incumbent upon Mr. Palmer and his client to
16 prove, either in this Court or when it went up to
17 the Supreme Court. That's never been done in this
18 case.

19 An additional problem with this across
20 the board 25 percent is that totally neglects the
21 common fund doctrine, another aspect of the common
22 fund doctrine, which states that the
23 non-participating beneficiaries are only liable --
24 may only be taxed for the attorneys fees in
25 proportion that they benefited from the common

1 fund.

2 We have an average of \$1,304, but that
3 average is an average. We have a low ball, and we
4 have a high ball. If we just simply tax the
5 common fund to 25 percent, the low side is going
6 to be paying more than their proportional benefit
7 than the high side will be.

8 I submitted that math, which the Court
9 probably found fairly confusing, in my Rausch
10 brief.

11 THE COURT: I find most math confusing.

12 MR. JENNINGS: In any event, the common
13 fund doctrine simply requires non-participating
14 beneficiaries to fund the attorneys fees in
15 proportion to the amount they benefited from the
16 common fund. If we have a guy that benefits a
17 dollar, and a guy that benefits \$10, the guy that
18 benefits \$10 should be taxed at a higher
19 percentage than the guy who benefits at one
20 dollar, or who benefits at a dollar.

21 With just the 25 percent across the
22 board, the insurance companies are now being asked
23 to withhold attorneys fees from benefits due
24 non-participating claimants for every such
25 claimant who falls below the average in excess of

1 the percentage that they would be required to put
2 forth in satisfaction of the attorneys lien. Does
3 the Court follow that?

4 THE COURT: I did, except for my
5 understanding was -- I thought it was done on an
6 individualized basis, that once a determination of
7 benefits -- and I guess Tom, you're --

8 MR. MARTELLO: I want to interject here.
9 First of all, on behalf of State Fund, we have no
10 objection to the 25 percent attorney fee. We've
11 agreed with that, and we, in this case and in
12 other common fund cases, have at times agreed with
13 claimants' Counsel with regard to the percentage.
14 But I just wanted to add to the comments that Mr.
15 Jennings is making, and maybe try to put things in
16 perspective here.

17 He is correct with regard to what the
18 traditional approach is for a common fund.
19 However, Montana, being the state that it is, has
20 not adopted the traditional approach to common
21 fund, and that was evidenced in the Murer case;
22 and these arguments that are being made were made
23 in Murer, which made it up to the Supreme Court on
24 three occasions. And the traditional version, if
25 you will, is to take the entirety of the case as

1 one pie, and then what you do is you split out the
2 -- and you share what is the costs with regard to
3 that pie.

4 However, what Montana has done is
5 they've taken the approach that the common fund is
6 something that is amassed from those that are the
7 non-participating beneficiaries, and that then
8 creates a common fund of money, out of which
9 benefits are going to be paid, including a
10 proportionate share of attorneys fees.

11 So Montana has taken a different version
12 of the traditional common fund, and I think it
13 started with Murer, then you've had Broeker,
14 you've had FFR, Flynn. There have been a number
15 of cases that have continued that version, if you
16 will, the Montana version of a common fund.

17 THE COURT: I guess let me -- so kind of
18 back to -- I guess just to kind of cross the
19 bridge that's in front of us, I think in dealing
20 with State Fund claimants today, you want to
21 preserve a record.

22 MR. JENNINGS: Yes, Your Honor. We wish
23 to object to the 25 percent.

24 THE COURT: Right. And so that for
25 purposes of your own clients' interests, whether

1 in this case if they had come down or in future
2 cases, that there's no sort of argument, an
3 estoppel argument or something like that, could be
4 made. Is that basically what we're at?

5 MR. JENNINGS: That's basically what
6 we're getting at. In this case, for our private
7 insurers, claimants, and of course in the other
8 cases as well.

9 THE COURT: Sure. And I think you made
10 a good record on it, and I'll certainly allow you
11 to -- why don't we do this. I'm glad we went on
12 the record. If you want to supplement -- I think
13 if you feel like there's anything that I haven't
14 allowed you to say, certainly I'm going to allow
15 you to supplement your position in writing if you
16 need to. I think that you've made an ample record
17 as to your position on this, and certainly
18 preserved your clients' positions for other
19 purposes. I don't think there's going to be an
20 argument that you're estopped from asserting that
21 position, whether in this case or in other cases.

22 But since we're dealing with State Fund
23 claimants here, the State Fund's position is that
24 they do not object. I've listened to Mr. Palmer
25 on the two claimants who have sent in letters, and

1 the circumstances surrounding them. I'm going to
2 approve the 25 percent attorney fee for all the
3 claimants, including Mr. Wagner and Mr. Hanson.
4 And I believe these letters are probably a part of
5 -- we've docketed these letters, haven't we?

6 THE CLERK: Yes.

7 THE COURT: So these letters are
8 docketed, so they're in the record, as well as is
9 Mr. Palmer's statements regarding the
10 circumstances surrounding his efforts, and how
11 these respective claimants have benefited from the
12 work there. So that will be the ruling of the
13 Court. I think you've made a very good record in
14 terms of your position on that, but as it pertains
15 to what we're here for today, and these are State
16 Fund claimants, and the State Fund has no
17 objection, I'm going to approve the 25 percent
18 attorneys fees as to all of the claimants. Does
19 anybody else have anything to add?

20 MR. JENNINGS: Nothing further, Your
21 Honor.

22 THE COURT: We'll go off the record.
23 (The proceedings were concluded
24 at 9:50 a.m.)

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C E R T I F I C A T E

STATE OF MONTANA)
: SS.
COUNTY OF LEWIS & CLARK)

I, LAURIE CRUTCHER, RPR, Court Reporter,
Notary Public in and for the County of Lewis &
Clark, State of Montana, do hereby certify:

That the proceedings were taken before me at
the time and place herein named; that the
proceedings were reported by me in shorthand and
transcribed using computer-aided transcription,
and that the foregoing -19- pages contain a true
record of the proceedings to the best of my
ability.

IN WITNESS WHEREOF, I have hereunto set my
hand and affixed my notarial seal
this 3rd day of March, 2006.

Laurie Crutcher

LAURIE CRUTCHER, RPR
Court Reporter - Notary Public
My commission expires
March 9, 2008.

<p>A</p> <p>ability 20:14 able 6:21 above-captioned 1:17 acceptable 6:12 action 4:14 5:22 6:6,7 active 7:1 activities 12:17 add 8:7 16:14 19:19 added 7:23 additional 9:22 10:3 12:12 14:19 Addressing 8:22 Administration 4:25 6:16,19 Administrative 9:15 adopted 16:20 affixed 20:16 aggregate 11:1 agreed 16:11,12 agreement 6:5 alleged 14:9 allow 10:18,19 18:10 18:14 allowed 7:15 18:14 allowing 4:22 allows 8:19 amassed 17:6 amendments 13:22 American 8:18 14:12 amount 7:20 9:22 11:11 14:3 15:15 ample 18:16 anybody 19:19 apologize 3:20 appear 3:11 5:9 appeared 3:13 5:10 APPEARING 2:2,7 appears 4:11 5:4 6:11 applicable 14:8,8 application 13:20 applied 14:1 apply 13:24 approach 16:18,20 17:5 approval 4:21 6:18 7:11 approve 19:2,17 approved 5:6 7:5 arguably 13:23 argued 13:23 argument 18:2,3,20 arguments 16:22 ARM 9:17 arrangement 9:13,14 asked 11:19,21 15:22</p>	<p>aspect 14:21 asserting 18:20 assessment 10:11 11:20 assigning 8:25 attorney 2:2,3,7,12,13 6:15 9:25 13:6,10,14 13:24 14:1,6,10 16:10 19:2 attorneys 3:7,14 4:19 8:20 9:5,8,20 10:4,6 10:9,15,21,23 11:10 11:13,21,23 12:1,23 13:11,18 14:24 15:14 15:23 16:2 17:10 19:18 authorizes 8:25 Avenue 1:19 average 4:8 5:4,5 10:7 12:4 15:2,3,3,25 a.m 1:21 3:9,10 19:24</p> <p>B</p> <p>back 5:1 17:18 bad 13:3 balance 5:23 6:9 13:1,2 13:3 ball 15:3,4 based 14:5 basically 18:4,5 basis 16:6 beginning 1:21 behalf 2:2,7 3:15,15,21 4:23 13:7 16:9 believe 8:3,10,11 14:14 19:4 belongs 9:8 beneficiaries 4:13 8:14 10:17 11:3,9 14:23 15:14 17:7 beneficiary 10:12,13 benefit 9:1 12:11 15:6 benefited 14:25 15:15 19:11 benefits 4:17 10:3,3 12:5,12,18 15:16,17 15:18,19,20,23 16:7 17:9 best 20:13 beyond 11:12 12:4 Billings 2:15 bit 8:9 board 8:12 11:20 14:20 15:22 Box 2:10,15 bridge 17:19 brief 15:10</p>	<p>Broeker 17:13 brought 7:4</p> <p>C</p> <p>C 2:1 20:1,1 calculate 6:13 calculations 4:7 7:21 capped 9:14,20 10:24 11:23 CARL 1:5 case 8:23 9:18 10:2,6 11:16 13:15,24 14:18 16:11,21,25 18:1,6 18:21 cases 13:21 16:12 17:15 18:2,8,21 Cause 3:5 certain 7:20 certainly 7:13 18:10,14 18:17 certify 20:7 Chance 2:9 charged 11:11 Chris 8:3 circumstances 8:21 19:1,10 claim 7:4 claimant 2:2 9:23 10:2 11:15 12:6 14:2 15:25 claimants 3:10,15 4:8 4:12,18 5:3,6,8 13:7 15:24 16:13 17:20 18:7,23,25 19:3,11 19:16,18 claims 7:15 Clark 1:2 20:4,7 clear 11:4 clearly 7:1 10:1 CLERK 19:6 client 14:15 clients 17:25 18:18 closed 9:5 come 7:24 18:1 comes 11:14,16 coming 6:4 12:5,12 comments 16:14 commission 20:21 common 5:22 8:11,15 8:16,17,22,24 9:2,5 10:17,18,20 11:1,14 12:8,18 13:4,17 14:21,21,25 15:5,12 15:16 16:12,18,20 17:5,8,12,16 companies 15:22</p>	<p>compensation 1:1,19 5:16 9:23,24 11:15 computer-aided 20:11 computing 12:20 concept 13:9 concluded 19:23 confusing 15:9,11 contact 4:22 contacted 4:21 6:17,19 contain 20:12 contingency 9:19 contingent 9:13 continued 17:15 correct 6:21 16:17 correction 3:21 costs 4:17,19 17:2 Counsel 2:8 16:13 County 1:2 20:4,6 course 8:19 18:7 Court 1:1,19 3:4,8,20 3:25 7:2,7,17 8:6,24 9:19,19,25 12:9 13:19 14:16,17 15:8 15:11 16:3,4,23 17:17,24 18:9 19:7 19:13,22 20:5,20 Court's 4:21 5:7 6:17 created 9:2,3 creates 17:8 cross 17:18 Crowley 2:14 Crutcher 1:23 20:5,19</p> <p>D</p> <p>David 6:1 day 1:20 20:17 days 6:22 7:13 deadline 4:15 6:23 7:14 dealing 13:16,16 17:19 18:22 December 4:4,5 degree 10:20 determination 16:6 died 4:15 different 13:9 17:11 directly 12:5 Disability 11:18 disabled 11:18 12:6 discussing 8:23 disqualified 4:14 docketed 19:5,8 doctrine 8:12,16,17,25 9:3 10:18 12:8,19 13:5 14:11,14,21,22 15:13 dollar 11:12 12:4 15:17</p>	<p>15:20,20 due 9:25 12:5 15:23</p> <p>E</p> <p>E 2:1,1,8 20:1,1 effort 7:3 efforts 9:25 14:4 19:10 either 4:14 14:16 elements 13:14 14:14 Eleventh 1:19 eligible 11:8,17 entered 5:2,3 entirely 13:8 entirety 10:14 16:25 entitled 4:17 6:13 10:9 12:22 entitlement 5:21 6:7 7:2 entitles 9:3 entry 4:6 equal 10:16 equitable 13:1,2,3,22 error 4:9 essence 10:14 establishing 7:3 establishment 12:11 estimate 4:10 estopped 18:20 estoppel 18:3 event 15:12 evidenced 16:21 exactly 11:25 exception 8:18 14:12 excess 11:21 15:25 exists 13:10 expect 7:12 expires 20:21</p> <p>F</p> <p>F 20:1 fact 12:18 factory 8:4 fairly 15:9 falls 15:25 fashion 8:4 February 1:20 fee 5:5,5,19,20,20,23 6:3,5,8 7:7 9:14,20 12:20 16:10 19:2 feel 18:13 fees 3:7 4:16,19 8:20 9:1,5,8,9,10,10,10,20 10:4,6,9,15,22,23 11:10,13,21,23 12:1 12:23 13:18 14:24 15:14,23 17:10 19:18</p>
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TRANSCRIPT OF PROCEEDINGS

Page 2

<p>FFR 17:14 fight 13:7 figure 11:6,7 figures 11:5 filed 4:15 find 15:11 finding 12:20 Firm 2:14 First 16:9 Flynn 1:5 3:5 8:22 9:9 9:11 10:2,5,9,19,21 11:9 12:6,22 13:15 13:17 17:14 Flynn's 10:6,25 11:24 12:1 follow 16:3 following 3:1 foregoing 20:12 formula 12:19 forth 16:2 found 8:17 15:9 front 17:19 fund 1:9 2:9 3:5,16,19 5:1,14,22 6:12,22 7:5 7:12,22 8:11,15,16 8:22,25 9:2,3,5 10:17 10:18,20 11:1,14,19 11:21 12:8,19 13:5 13:17 14:21,22 15:1 15:5,13,14,16 16:9 16:12,18,21 17:5,8 17:12,16,20 18:22 19:16,16 Fund's 18:23 further 19:20 future 18:1</p>	<p>guessing 12:2 Gulch 2:9 guy 15:16,17,17,19</p>	<p>issued 3:8</p>	<p>17:16 20:2,7 morning 5:9 MT 2:4,10,15 multiple 10:16 multiply 11:8 Murer 16:21,23 17:13</p>	<p>paying 14:2 15:6 payments 9:23 people 11:19 percent 5:5,19,20,23 6:5,8 7:8 9:16,20,22 10:8,11,14,24,25 11:1,6,20,24 12:5,14 12:14,25,25 14:20 15:5,21 16:10 17:23 19:2,17 percentage 8:13 15:19 16:1,13 permits 13:17 permitted 5:8 person 12:7 perspective 16:16 pertains 7:8 19:14 pie 17:1,3 place 20:9 pled 13:13 point 6:24 12:17 position 3:12 18:15,17 18:21,23 19:14 positions 18:18 possible 4:13 practical 13:19 precedent 7:3 precise 13:11 predate 13:21 preferable 5:19 preliminary 4:5 6:12 prepared 8:9 preparing 4:6 present 3:14 presently 5:10 preserve 17:21 preserved 18:18 private 13:10,14,24 14:1,6,10 18:6 probably 11:10 15:9 19:4 problem 7:12 14:19 proceedings 1:12,18 3:1 19:23 20:8,10,13 process 8:1 Professional 1:23 proof 4:19,20 5:1 6:15 6:20 proportion 14:25 15:15 proportional 15:6 proportionate 17:10 prove 14:16 proven 13:15 provide 6:10,21 provided 4:19,23,24 5:1 6:14 7:1,23 10:7</p>
<p>H</p> <p>half 10:4 12:1 hand 20:16 Hanson 5:13,18 7:9,18 19:3 hear 8:11 heard 1:18 hearing 3:7,10 4:5,6 held 10:19 11:17 12:21 12:22 Helena 1:20 2:10 hereunto 20:15 high 15:4,7 higher 15:18 Honor 3:18 4:3 8:8,19 9:7 12:17 14:9 17:22 19:21 Honorable 1:22 hour 1:21 hourly 9:14 14:5 housekeeping 3:24</p>	<p>I</p> <p>incentivise 13:11 incentivising 13:6 including 17:9 19:3 increased 10:15 incremental 14:3 incumbent 14:15 incurred 9:11 10:4,22 10:24 12:2 13:18 indicated 5:14 individual 5:25 11:2 14:2 individualized 16:6 individuals 5:12 9:1 information 4:12,22,24 5:13 6:11,14,22 7:20 7:21,23 initial 7:2 injury 5:15 6:1 inquiries 4:24 instance 6:4 instrumentally 7:4 insurance 15:22 insurers 2:12 3:19,22 14:4 18:7 interests 17:25 interject 16:8 interrupt 12:9 invoke 14:10,13 involvement 7:1</p>	<p>J</p> <p>James 1:22 5:15 January 3:9 Jennings 2:13 3:16,18 8:7,8 12:16 14:7 15:12 16:15 17:22 18:5 19:20 Jeremiah 1:22 Judge 9:24 justification 12:7</p>	<p>N</p> <p>N 2:1,14 named 20:9 necessary 10:21 need 18:16 neglects 14:20 never 13:13,15 14:9,17 new 5:3 non-participating 8:14 10:12,13,16 11:2,9 14:23 15:13,24 17:7 notarial 20:16 Notary 1:24 20:6,20 note 5:19 noted 3:21 notified 4:13 number 10:16 17:14 numbers 7:24</p>	
<p>G</p> <p>General 13:10,14,25 14:1,6,10 Generally 8:24 getting 7:7 10:2 12:13 18:6 give 4:1 glad 18:11 go 13:4 19:22 goes 9:18 going 3:24 4:1 7:2 8:10 13:21 14:5 15:5 17:9 18:14,19 19:1,17 good 12:16 13:2 18:10 19:13 gotten 7:6,11 greater 10:20 group 7:15 guess 16:7 17:17,18</p>	<p>K</p> <p>kind 3:25 4:1 8:4 17:17 17:18 know 10:5 11:25 13:3 knows 8:19</p>	<p>L</p> <p>L 2:3 Laurie 1:23 20:5,19 law 2:3,13,14 8:9 left 4:18 Legal 2:8 letter 6:15,20 letters 18:25 19:4,5,7 Lewis 1:2 20:4,6 liable 14:23 lien 16:2 listened 18:24 litigation 9:2,11 long 9:17 low 15:3,5</p>	<p>O</p> <p>object 17:23 18:24 objection 16:10 19:17 objections 3:12 obtained 6:6 occasions 16:24 Offices 1:18 Okay 8:6 once 16:6 order 3:8 5:7 6:17 9:24 12:3 14:10,13</p>	
	<p>M</p> <p>making 16:15 March 20:22 Martello 2:8 3:16 8:7 16:8 math 11:4 12:24 15:8 15:11 matter 3:5 5:17 matters 3:24 McCoy 8:3 mentioned 4:4 MILLER 1:5 4:3 7:10 7:19 minute 4:6 misapplication 8:15 Missoula 2:4 misspoke 7:17 money 17:8 Montana 1:9,20 2:9 3:5,15,19 9:15,15 11:22 16:19 17:4,11</p>	<p>P</p> <p>P 2:1,1 pages 20:12 paid 5:20 6:3,24 8:2 17:9 Palmer 2:3 3:14 9:12 10:1,7,15 11:11 12:21 13:6,12 14:15 18:24 Palmer's 11:5,23 12:11 12:17,20 14:4 19:9 part 13:20 19:4 particular 9:16 party 9:3 passed 7:13 Pat 6:2,4,6 pay 10:13 12:12 14:5 payable 12:6</p>		

11:5,7 provides 12:19 Public 1:24 20:6,20 purposes 17:25 18:19 pursuant 3:7 pursuing 10:5 12:2 put 16:1,15 P.O 2:10,15	required 6:17 11:13 16:1 requires 15:13 resolutions 13:23 respect 8:12 respective 19:11 respond 5:8 responded 5:7,12,25 RESPONDENT 2:7 response 4:16 responsibility 8:25 Rex 3:14,17,23 4:1 8:10 11:25 REXFORD 2:3 right 7:10,19 9:8 12:21 12:22 17:24 ROBERT 1:5 RPR 20:5,19 rule 8:18 9:16 14:12 Rules 9:16 ruling 19:12	started 17:13 state 1:9 2:9 3:5,11,12 3:16,19 5:1,14 6:12 6:22 7:4,12,22 16:9 16:19 17:20 18:22,23 19:15,16 20:2,7 stated 8:24 10:23 statements 19:9 states 14:22 stating 9:7 Ste 2:14 Steve 3:16,21 STEVEN 2:13 sub 9:17 submitted 15:8 successful 10:1 suggesting 5:18 supplement 18:12,15 Supreme 8:23 9:19,25 14:17 16:23 sure 8:10 18:9 surrounding 19:1,10 suspect 7:5	trying 8:4 two 5:6 6:22 7:13 18:25 typographical 4:9	\$374.06 6:9 \$498.75 6:8 \$562.50 5:24 \$73,000 11:22 \$73,998 11:11 \$750 5:22 \$997.50 6:6
Q questions 6:2 quote 6:3 8:24 9:6,21			U understanding 16:5 update 3:25 4:1 updated 4:11	1 1st 4:5 100 12:14,24 16th 1:20 1625 1:19 19 20:12 1986 5:14 1994 6:1
R R 2:1 20:1 rate 14:5 Rausch 15:9 read 5:18 9:7 realized 8:13 reason 13:11 reasonable 9:4 received 5:13 6:20 7:21 receives 9:23 receiving 12:13 recipient 6:14 record 3:4,23 4:2 17:21 18:10,12,16 19:8,13 19:22 20:13 records 5:2 recover 13:18 recoveries 11:2 recovering 10:12 recovery 4:8 5:4 8:13 8:20 10:25 11:7,10 11:14,16,24 12:1 14:3 reflects 4:7 regard 16:13,17 17:2 regarding 3:7 19:9 Registered 1:23 Regnier 5:15,21 regulation 9:15,21 11:22 reimburse 10:21 reimbursed 9:9 reimbursement 9:4 10:10 11:13 12:23 release 6:18 REMEMBERED 1:17 reported 1:22 20:10 Reporter 1:23 20:5,20 reports 6:13 represent 3:18 represented 5:15 6:2,4 REPRESENTING 2:12	S S 2:1,9 satisfaction 16:2 seal 20:16 second 12:10 Security 4:16,23,25 5:16,20 6:6,16,19 11:18 see 12:7 14:8 sent 18:25 seriously 11:18 set 3:6,10 20:15 share 17:2,10 Shea 1:22 Sheehy 6:2,4,7,20 short 9:18 shorthand 20:10 side 15:5,7 signed 6:18 significant 12:25 simplest 8:17 simply 8:17,19 14:11 15:4,13 Social 4:16,22,25 5:16 5:20 6:5,16,19 11:17 sort 18:2 specifically 11:15 spiel 8:9 split 17:1 spreadsheets 7:22 Spruce 2:4 SS 20:3 SSDI 10:5 12:2 St 2:14	T T 20:1,1 take 11:6 16:25 taken 17:5,11 20:8 talk 13:22 talking 13:5,8,9,25 tax 10:18,19 15:4 taxed 14:24 15:18 terms 19:14 Thank 4:3 theory 13:10,25 14:1,6 things 16:15 think 7:25 17:12,19 18:9,12,16,19 19:13 THOMAS 2:8 Thompson 13:24 thought 16:5 three 14:13 16:24 time 3:6,10 4:7,10 20:9 times 11:8 16:12 today 5:9 8:23 11:5 13:12 17:20 19:15 Tom 3:16 16:7 totally 14:20 traditional 16:18,20,24 17:12 transcribed 20:11 TRANSCRIPT 1:12 transcription 20:11 true 20:12 trust 6:25 try 16:15	V variety 3:19 version 16:24 17:11,15 17:16 versus 3:5 Virgil 5:13 vs 1:7	2 20 5:19 2000-0222 1:5 3:6 2003 13:22 2006 1:21 3:9 20:17 2008 20:22 24.29.3802 9:17 25 5:5,20,22 6:5,8 7:8 9:16,20,22 10:8,11 10:14,24,25 11:1,6 11:20,23 12:4 14:20 15:5,21 16:10 17:23 19:2,17 2529 2:15 273 4:18 11:8
			W W 2:13 Wagner 6:1 7:18 19:3 waiting 5:11 want 8:7,10 16:8 17:20 18:12 wanted 3:12 16:14 WCC 1:5 went 14:16 18:11 West 2:4 We'll 19:22 we're 3:4 5:11 8:23 13:5,8,9,15,25 18:4,6 18:22 19:15 we've 7:21,23 16:10 19:5 WHEREOF 20:15 win 12:18 wish 17:22 withhold 15:23 WITNESS 20:15 word 7:6 work 12:12 19:12 workers 1:1,19 5:16 9:24 11:15 working 8:3 wouldn't 12:10 writing 5:7,8 18:15	3 3 9:17 3rd 3:9 301 2:4 31st 2:14
			S \$1,304 5:5 10:8 11:7 12:4 15:2 \$1,400 4:10 \$10 15:17,18 \$124.69 6:9 \$14,000 4:9 \$150 5:21 \$187.50 5:23 \$326 5:6 10:8 11:6	4 4759 2:10 490 2:14
				5 5 2:9 500 2:14 525 4:12,14 59103-2529 2:15 59604-4759 2:10 59802 2:4
				6 68 7:25
				7 75 12:13,25

TRANSCRIPT OF PROCEEDINGS

Page 4

8				
800 4:12				
9				
9 20:22				
9:00 3:10 5:9				
9:26 1:21 3:9				
9:30 5:10				
9:50 19:24				