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FILED

AUG 25 2003

**OFFICE OF
WORKERS' COMPENSATION JUDGE
HELENA, MONTANA**

ATTORNEYS FOR RESPONDENT/INSURER/EMPLOYER
MISSOULA COUNTY PUBLIC SCHOOLS

IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

EULA MAE HIETT,)	WCC No. 2001-0278
)	
Petitioner,)	MISSOULA COUNTY PUBLIC
)	SCHOOLS PRELIMINARY RESPONSE
v.)	TO COMMON FUND MOTION,
)	REQUEST FOR ISSUANCE OF NOTICE
MISSOULA COUNTY PUBLIC)	AND BRIEFING SCHEDULE
SCHOOLS,)	
)	
Respondent/Insurer/Employer.)	

Petitioner has moved this Court for application of the common fund doctrine to her case. She requests common fund fees from both partially and totally disabled claimants, but her case only involved permanent partial disability.

The latest common fund doctrine scheme has potentially significant impact on claimants, claimants' attorneys, insurers, and, especially, medical care providers who could experience significant reduction in recoverable fees. Interested parties should be notified of this potential impact and provided an opportunity to set forth their concerns. Therefore, Missoula Public Schools requests notice be provided to interested parties and a briefing schedule issued to address concerns which may be raised.

Dated this 25th day of August, 2003.

BROWNING, KALECZYC, BERRY & HOVEN, P.C.

By: Leo S. Ward
Leo S. Ward

ATTORNEYS FOR RESPONDENT/INSURER/EMPLOYER
MISSOULA COUNTY PUBLIC SCHOOLS

CERTIFICATE OF SERVICE

I hereby certify that on the 22nd day of August, 2003, a true and correct copy of the foregoing was this day deposited in the United States mail, postage prepaid, addressed to:

Sydney E. McKenna
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