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May 13, 2005

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FILED

MAY 13 2005

OFFICE OF
WORKER'S COMPENSATION JUDGE
HELENA, MONTANA

*ALSO ADMITTED - COLORADO STATE BAR
**ALSO ADMITTED - STATE BARS OF CONNECTICUT
AND DISTRICT OF COLUMBIA

Via Fax 829-3436 and U.S. Mail

Re: Rausch, et al. v. Montana State Fund and Ruhd v. Liberty Northwest Insurance Corp
Workers' Compensation Claim No. 99-07-8274R1
Mediation File No. 2005 0476 03
Our File No. 6654/5

Dear Carrie and Larry:

This letter will serve as a review of our discussions during our telephone conversations of May 11 pertaining to the file review process being performed by Liberty Northwest.

As discussed in our April 29 meeting, we were agreeable to not reviewing the permanent total disability files, i.e., your Category No. 3, as long as the following information is furnished concerning permanent total files:

1. Name of claimant, date of birth of claimant and date of injury;
2. If an impairment rating was received, the date of the impairment rating and the percentage;
3. If an impairment award was paid based upon the impairment rating, the amount of the award and the date the award was paid [included in this category will be a disclosure as to whether or not any of the impairment award was withheld from payment based upon the common fund lien];
4. If Category 3 claimants were represented by attorneys and there was a settlement of the claim, we need the name of the attorney involved in the settlement, and the date of the settlement, in addition to the other information.

Based upon your disclosure of the above information, Liberty Northwest should be in a position to make payments of the common fund fees owed, or advise us through the disclosed information as to the status of each PTD file, i.e., Category 3, concerning payment of common fund fees.

We also discussed other categories concerning settlement. If there were settlements of other categories by Liberty Northwest with claimants represented by attorneys, all we'll need to have is the name of the claimant, age of the claimant, the date of the injury, the date of the settlement.

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and the name of the claimant's attorney.

As discussed, we believe that your preliminary review of the other files, i.e., files other than Category 3 PTD files, should continue so that we may be able to review the files as soon as possible. It is our understanding that we cannot review the majority of the files at this time because a privilege log and attorney/client information review of the file has not been completed by your offices. Please advise as soon as possible as to when the files are available for our review.

As discussed, I am by copy of this letter advising Judge McCarter of our understanding with your offices concerning the review of the Liberty Northwest files that you have in your office.

Sincerely,

MILODRAGOVICH, DALE,
STEINBRENNER & BINNEY, P.C.



Lon J. Dale

LJD:ljs

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cc: Hon. Mike McCarter
Workers' Compensation Court
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