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May 19, 2005

Lon J. Dale  
Milodragovich, Dale, Steinbrenner & Binney  
P. O. Box 4947  
Missoula, MT 59806-4947

**FILED**

**MAY 20 2005**

OFFICE OF  
WORKERS' COMPENSATION JUDGE  
HELENA, MONTANA

RE: FFR Common Fund

Dear Lon:

I received your letter of May 13, 2005, and have reviewed it with Larry. We are glad that you, Monte and Steve have agreed that as long as Liberty furnishes you with the information listed in your letter, you will not review the files listed in Exhibit 3 (the files in which Code 40 PTD benefits were paid). Attached is a form that I propose using to furnish you with the information listed in your letter.

With regard to Exhibits 1, 2 and 4, Larry and I would like to confirm that you, Monte and Steve also agree that if the claim was settled from September 5, 2000, to present and claimant was represented by an attorney, you will not review those files as long as Liberty furnishes you with the following:

1. claimant's name and date of birth
2. date of injury/OD
3. date of settlement
4. name of attorney involved in settlement.

Regarding claims that were settled between Sept. 13, 2000, and Sept. 4, 2002, it is our understanding that the Court forwarded the list of Liberty claims settled between those dates to ERD to determine whether those claimants were represented by attorneys. It is Liberty's position that these claims are not part of the common fund.

Regarding claims settled prior to Sept. 13, 2000, we want to confirm that you will not review those claims as they are not subject to the common fund.

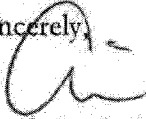
Larry requests that we set up a quick conference call with the Court on Friday, May 20<sup>th</sup>, if possible, to discuss the following:

1. the form that I propose using;
2. the information that Liberty will provide you regarding claims settled:
  - a. between Sept. 13, 2000 and Sept. 4, 2002; and
  - b. from Sept. 5, 2002 to present;
3. claims settled prior to Sept. 13, 2000; and

4. your agreement not review files where we provide the information to you on the proposed form.

I will contact the clerk of Court to see when Judge McCarter is available, and then I will email those times to you, Monte and Steve to see if any will work.

Sincerely,



Carrie L. Garber

cc: Judge McCarter  
Monte Beck  
Steve Roberts

**FFR COMMON FUND REVIEW**

CLAIMANT:

CLAIM NO.:

Exhibit			
1	2	3	4

Claimant's Date of Birth: \_\_\_\_\_

Date of Injury/OD: \_\_\_\_\_

Was an impairment rating received? YES or NO

Date of Impairment Rating: \_\_\_\_\_

Impairment Rating \_\_\_\_\_ %

Was an impairment award paid based upon the impairment rating? YES or NO

Amount of impairment award: \$ \_\_\_\_\_

Was any amount withheld from payment of the impairment award based upon the common fund lien? YES or NO

Was there a settlement? \_\_\_\_\_

Date of settlement? \_\_\_\_\_

Attorney involved in settlement: