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May 4, 2005

Via Email Only to marsilius@mt.net and mmccarter@mt.gov and Fax Only to (406)444-7798Honorable Mike McCarter
Workers' Compensation Court
P. O. Box 537
Helena, MT 59624RE: Rausch, et al. v. Montana State Fund and Ruhd v. Liberty Northwest Insurance Corporation, WCC No. 9907-8274R1

Dear Judge McCarter:

I have reviewed the email of May 3, 2005, in which you drafted a proposed letter to the treating physician to request an impairment rating. You asked for comments by the attorneys.

First, I assume that where you have "s/he" and "his/her" the name of the claimant would be inserted and the same is true anywhere the word "claimant" appears.

Secondly, in paragraph "1." should there be a definition of maximum medical improvement and if so which one?

In the next to last paragraph in the first sentence appears the phrase "I authorize you to do so." This suggests to me that the physician is supposed to contact the claimant and schedule an appointment. Is this what you intended? If not, it could be redrafted to make it clear that the physician is simply to notify the author of the letter of the need for an examination after which a procedure, adopted by you, would be followed to contact the claimant and explain what is happening.

Lastly, in the next to last paragraph in the second sentence the physician is supposed to contact the author of the letter by phone. My preference is that the physician respond in writing. That way there will be no confusion or miscommunication regarding what the physician has replied. Also this procedure would allow Liberty to transmit this written reply to you and the FFR attorneys.

Thank you for the opportunity to comment on the draft letter. By a copy of this letter to the FFR attorneys I am notifying them of this communication with you.

Honorable Mike McCarter

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WCC No. 9907-8274R1

May 3, 2005

Page 2

If you have any questions, please contact me.

Very truly yours,



Larry W. Jones

LWJ/ap

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