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November 16, 2004

**FILED**

NOV 17 2004

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

OFFICE OF  
WORKER'S COMPENSATION JUDGE  
HELENA, MONTANA

RE: Fisch, Frost, Rausch v. State Fund

WCC NO. 9907-8274/21

Dear Lon:

Thank you for a copy of your letter to Judge McCarter dated October 22, 2004, attached to which was a draft notice.

In looking over Judge McCarter's minute entry of October 5, 2004, on the second page appears the following entry: "I think the consensus was that we should try to identify claimants using DLI and DB02 sources. However, insurers will be requested to provide information identifying PTD claimants." Attached is a copy of the October 25, 2004, letter from Diana Ferriter to me and the computer runs made by ERD regarding Employer's Insurance of Wausau Mutual, Liberty Mutual, and Liberty Northwest.

My understanding was that the notice Judge McCarter asked you to draft was simply intended to notify certain insurers of the lien claim so that they would be brought into this proceeding and information developed in accordance with Judge McCarter's instructions.

But in your draft notice it already begins to impose on Plan 1 and Plan 2 insurers the obligation of going through files, having impairment ratings done and providing information. My understanding is that the FFR attorneys, pursuant to Judge McCarter's instructions and an appropriate protective/confidentiality order would go through the relevant parts of Liberty's hard copy files to develop the information relevant to the lien. At ¶3 you would impose on Plan 1 and Plan 2 insurers the obligation of identifying TTD claimants who have received that class of benefits for more than 18 months. ERD is capable of doing that and it appears that is what is contemplated by Judge McCarter's minute entry.

Again, my understanding was that the notice provision was simply to notify effected insurers or self insured's of the need to participate in this proceeding. Thereafter Judge McCarter would set the ground rules under which information would be developed and the FFR attorneys would be allowed to review relevant parts of the hard copy files after Judge McCarter established the implementation guidelines.

**COPY**

PDF'd to  
mike  
11/17/04  
CW

Lon J. Dale

RE: Fisch, Frost, Rausch v. State Fund

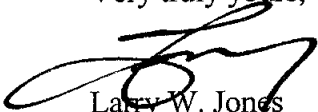
November 16, 2004

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By a copy of this letter to Judge McCarter and counsel of record I am notifying them of my objection to the current draft. Perhaps a conference call would be appropriate to address my concern.

If you or anyone has any questions and would like to speak with me directly, please contact me at your convenience.

Very truly yours,



Larry W. Jones  
Senior Attorney

LWJ/ap

Enclosure

c: ✓ Judge McCarter (w/ encl.)  
Greg E. Overturf (w/ encl.)  
Bradley J. Luck (w/ encl.)  
Monte D. Beck (w/ encl.)  
Stephen D. Roberts (w/ encl.)  
Mark Cadwallader (w/ encl.)

State of Montana  
Department of Labor & Industry  
Judy Martz, Governor

036525  
95



Employment Relations Division

WC Claims Assistance Bureau  
Diana Ferriter, Bureau Chief

October 25, 2004

LARRY JONES  
ATTORNEY AT LAW  
700 SW HIGGINS AVE SUITE 108  
MISSOULA MT 59803-1489

687-036525  
2002-0500  
1962-00

RE: Jeremy Ruhd v. Liberty Northwest Insurance Corporation  
WCC No. 2002-0500  
Your Request for Information from ERD's Database

Dear Larry;

Please find enclosed the data you requested in hard copy form. The information furnished has been extracted from the database system. The data in the database system is primarily obtained from employer, insurer, and adjuster reports filed with the Department. Although the information furnished is accurate and complete to the best of the Department's knowledge, the Department does not guaranty the accuracy or completeness of the information reported to the Department.

The charge will be \$26.83 (one hour of programming time). Please make your check payable to: Department of Labor & Industry, Employment Relations Division, PO Box 1728, Helena, MT 59604-1728, Attn: Mary Beth Linder.

If you have questions you can contact me at 444-1574.

Sincerely,

A handwritten signature in cursive script that reads "Diana Ferriter".

Diana Ferriter  
Bureau Chief

COPY

orig. sent to  
J. Greer for payment

TRANSMITTED TO  
CLAIMS DEPT.

10-27-04

WJ/etp

RECEIVED  
DATE 10-27-04