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# Workers' Compensation Court

Mike McCarter  
Judge

**FILED**

February 16, 2005

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**SENT VIA E-MAIL AND UNITED STATES MAIL**

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*Rausch, et al. v. Montana State Fund*  
*Ruhd v. Liberty Northwest Insurance Corp.*  
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Re: *Rausch, et al. v. Montana State Fund*  
*Ruhd v. Liberty Northwest Insurance Corp.*  
WCC No. 9907-8274R1

Dear Counsel and Interested Parties:

We have received voluminous responses to the summons issued in the above matter. The responses vary. Some appear to contain all the information requested in the summons, others have incomplete information, and still others contain objections to furnishing the requested information. Quite a few insurers have not responded at all.

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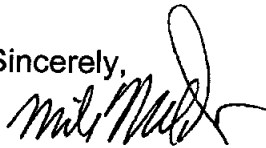
I have been contemplating on how best to distribute these responses. It will become expensive to photocopy and mail each of you the documentation. Moreover, not all of you need all of the responses since many of you are representing individual insurers and may be interested in only your individual clients. Also, insofar as responses identify individual claimants, the Court must protect their identities and other personal information. Individual claimant information ought to be provided on a "need to know" basis, probably only to the petitioners' attorneys pursuant to a strict confidentiality agreement. Thus, at least initially, we need to determine who is interested in receiving the responses and which sorts of responses you would like to receive.

Second, we have to determine the manner in which we are going to distribute the responses. We have scanned all the responses and converted them to PDF format so that they can be viewed on any computer using Adobe Acrobat reader. We propose to copy these documents onto CDs and send the CDs to interested counsel, tailoring each CD to the individual attorney's needs taking into consideration confidentiality requirements. We would like to hear your comments on that method of distribution.

Third, we need to adopt a method of tracking the responses. This will involve creating a chart or database listing information by insurer, the names/addresses/phone numbers of all claimants identified by that insurer, the date of injury or disease, whether the claimant is classified as PTD, whether an impairment rating has been rendered, whether an impairment award has been paid, the date and amount of any payment, and whether the lien has been withheld. We need to discuss whether the Court or the Rausch attorneys will create and maintain this information.

I would appreciate your comments and suggestions by February 22, 2005. If counsel believe it would be helpful to have a conference to discuss these and other questions arising in light of the responses we have received, I will be happy to set one up. It will have to be an in-person conference since the numbers of attorneys preclude doing it by telephone.

Sincerely,



Mike McCarter  
Judge

MM/jb