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FILED

MAR 18 2005

OFFICE OF
WORKERS' COMPENSATION JUDGE
HELENA, MONTANA

IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

ALEXIS RAUSCH, et al.,

Petitioners,

v.

MONTANA STATE FUND,

Respondent/Insurer,

and

JEREMY RUHD,

Petitioner,

v.

LIBERTY NORTHWEST INSURANCE
CORPORATION,

Respondent/Insurer.

WCC No. 9907-8274R1

**STATE FUND'S STATUS REPORT
REGARDING IMPLEMENTATION**

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COMES NOW the Respondent, Montana State Fund ("State Fund"), and hereby provides a Status Report regarding the implementation process.

Of the eighty-seven claimants subject to the terms of the Court-approved Revised Settlement Stipulation, four were released from the common fund by Lon Dale, Steve Roberts, and Monte Beck. In addition, two claimants were removed from the list because one was not a PTD claimant and the other's impairment award had already been paid in full. The State Fund had difficulty locating and contacting one of the eighty-seven claimants. However, the State Fund successfully located that claimant in late February of 2004. An impairment rating was eventually rendered by the claimant's treating physician, and her entitlement was paid. No common fund attorney fees were payable on this claim because the claimant was over the age of 65 on September 5, 2002.

At the attorney fee hearing in July of 2003, one claimant informed the Court and the parties that he preferred to receive the payment of his impairment award at age sixty-five. As a result, Mr. Dale, Mr. Roberts and Mr. Beck agreed to release him from their common fund attorney fee lien. However, the claimant who was conditionally released from the common fund lien has recently informed the parties that he is reconsidering his prior decision to postpone the payment of his impairment award. If the claimant elects to receive his impairment award prior to age sixty-five, common fund attorney fees will be assessed against his impairment award.

In addition to paying benefits directly to affected claimants, and consistent with the terms of the Revised Settlement Stipulation, the State Fund has paid common fund attorney fees to Lon Dale, Steve Roberts, and Monte Beck. The State Fund has also provided Mr. Dale, Mr. Roberts, and Mr. Beck with allocation sheets that specifically identify which files have been paid and the amount of each payment. The allocation sheets contain sufficient detail to enable Mr. Dale, Mr. Roberts, and Mr. Beck to check the State Fund's calculations. Although there were some questions regarding some of the attorney fee payments, those questions have been answered and the attorney fee payments have been fully paid and are resolved.

Lastly, as the Court directed during the hearing on December 18, 2003 in *Ruhd v. Liberty Northwest Ins. Corp.*, WCC No. 2002-0500, the State Fund has provided Mr. Dale, Mr. Beck, Mr. Roberts, Mr. Jones, and Mr. Angel with information concerning its review of long-term TTD claimants and the subsequent reclassification of some of those claimants to a status of PTD.

As the above paragraphs establish, the State Fund has completed the implementation process of the above-captioned matter. The only remaining issue concerns the claimant who was conditionally released from the common fund attorney

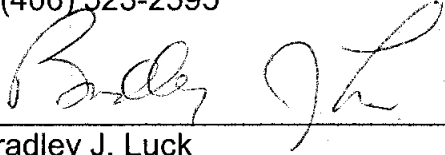
fee lien but is now reconsidering his decision to delay the payment of his impairment award until age 65. Mr. Dale, Mr. Roberts, and Mr. Beck have reviewed the contents of this Final Status Report Regarding Implementation and concur in the filing of this Final Status Report.

DATED this 17 day of March, 2005.

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By


Bradley J. Luck

CERTIFICATE OF MAILING

The undersigned, of GARLINGTON, LOHN & ROBINSON, PLLP, Attorneys for Montana State Fund, hereby certifies that on this 17th day of March, 2005, she mailed a copy of the foregoing *State Fund's Final Status Report Regarding Implementation*, postage prepaid, to the following persons:

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