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OFFICE OF
WORKERS' COMPENSATION JUDGE
HELENA, MONTANA

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IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

ALEXIS RAUSCH, et al.,)
Petitioners)
)
-vs-)
)
MONTANA STATE FUND,)
Respondent/Insurer)
)
and)
)
JEREMY RUHD,)
Petitioner,)
)
-vs-)
)
LIBERTY NORTHWEST INSURANCE)
CORPORATION,)
Respondent/Insurer.)
_____)

WCC No. 9907-8274R1

**PETITIONERS'
STATUS REPORT**

The FFR attorneys hereby file the following status report regarding the file review process necessitated by this Court's Summonses dated January 10, 2005, and March 4, 2005.

LIBERTY INSURERS

The FFR attorneys have conducted a review of files for Liberty Insurance Corporation, Liberty Mutual Fire Insurance Company, Liberty Mutual Insurance Corporation, Liberty Northwest Insurance Corporation and LM Insurance Corporation. Ten claimants identified as temporarily totally disabled for more than 18 months were reviewed with serious questions concerning their permanent total disability status. On October 14, 2005, a request was made to counsel for Liberty to identify which of those individuals would be reclassified as permanently totally disabled, thereby entitling them to an immediate payment of their impairment award. Liberty responded on February 20, 2006.

Of the ten claimants classified as temporarily totally disabled for more than 18 months, only one was reclassified as permanently totally disabled. An impairment award on that individual is pending. The FFR attorneys and Liberty will continue to review and analyze the medical and vocational information of the remaining nine claimants, and if unable to agree on the proper classification, will ask for this Court's determination of the appropriate classification of each claimant.

MONTANA MUNICIPAL INSURANCE AUTHORITY

On February 17, 2006, FFR attorneys requested that counsel for Montana Municipal Insurance Authority respond to this Court's summons issued on January 10, 2005. Attached to this report is the letter sent to the insurer's attorney requesting additional information.

ALL OTHER INSURERS

Of the other insurers served with the Court's summonses, 13 have provided no response. Several other insurers have provided inadequate responses. The FFR attorneys will mail a letter to all insurers falling into these two categories requesting their compliance with the Court-ordered summons and providing them with a sample template for addressing each criteria listed by paragraph in the summons. The FFR attorneys welcome the appointment of a Special Master to oversee compliance with this Court's summonses. The FFR attorneys, therefore, request a conference with the Court to draft a form requiring specific information for the non-complying Plan II carriers

and Plan I self-insureds in order to ensure compliance with the Court's summonses in this matter.

The FFR attorneys plan to contact remaining insurers starting with the insurers having the most number of permanently totally disabled claimants and those with the most number of claimants who have received temporary total disability benefits longer than 18 months.

Despite the Court's summons ordering particular information, some insurers are taking the position that it is the job of the FFR attorneys to examine its own files for compliance with the Montana Supreme Court's decision. When information is inaccurate or incomplete or there is a question about the proper status of a given claimant, an examination of individual files is required. This imposes an undue burden on the FFR attorneys. The Workers' Compensation Court's order requires that insurers examine their own files for compliance with the Montana Supreme Court decision in *Rausch*.

UPDATES OF INFORMATION

The Clerk of Court continues to update the FFR attorneys with confidential information contained on disks as insurers provide additional responses to the summons. The FFR attorneys are seriously concerned about inadequate, incomplete information provided by the insurers that does not comply with the summons. If the insurers fail to update their responses, the FFR attorneys may request the Court to issue further orders compelling compliance.

RESPECTFULLY SUBMITTED this 21st day of February 2006.

Monte D. Beck, Esq.
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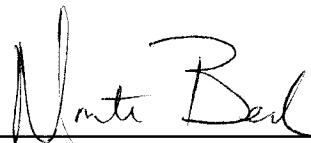
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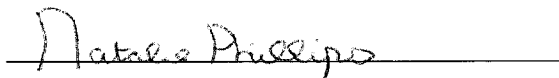
Attorneys for Petitioner Rausch

By: 
Monte D. Beck

CERTIFICATE OF MAILING

The undersigned, of BECK, AMSDEN & RUGGIERO, PLLC, hereby certifies that on this 21st day of February 2006, a copy of the foregoing PETITIONERS' STATUS REPORT was mailed postage prepaid to the following persons:

Larry W. Jones, Esq.
LAW OFFICE OF JONES & GARBER
700 SW Higgins Ave., Ste. 108
Missoula, MT 59803

A handwritten signature in cursive script, reading "Natalie Phillips", is written over a horizontal line.

STEPHEN D. ROBERTS, P.L.L.C.
ATTORNEY AT LAW

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February 17, 2006

Oliver Goe
Browning, Kaleczyc, Berry & Hoven, P.C.
P.O. Box 1697
Helena, MT 59624-1697

FAXED TO: (406)443-6883

RE: Montana Municipal Insurance Authority's Response to Summons of Workers'
Compensation Court WCC No.: 9907-8274R1

Dear Oliver:

As to the permanently totally disabled claimants listed by Montana Municipal Insurance Authority (MMIA) in response to the Workers' Compensation Court Summons, please inform us which ones have been paid their impairment awards and if MMIA has withheld common fund attorney fees.

We also request that MMIA review the files of all claimants who have been classified as temporarily totally disabled for over 18 months to determine if any should be reclassified as permanently totally disabled.

Last, we would like to review the files of the PTD and TTD claimants identified in the MMIA's Response to the Court's summons for potential eligibility for Rausch benefits. Please inform us of available dates when we can review these files.

The Court has required common fund counsel to provide a status report by February 21, 2006, and we would appreciate your response to this letter as soon as possible.

Very truly yours,



Stephen D. Roberts

SDR:jl

c: Monte Beck
Lon Dale



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February 22, 2006

Ms. Patricia J. Kessner
Clerk of Court
Montana Workers' Compensation Court
PO Box 537
Helena, MT 59624-0537

Re: FFR Common Fund
WCC No. 9907-8274R1

Dear Ms. Kessner:

Enclosed please find the attachment to *Petitioners' Status Report* dated February 21, 2006. Thank you for your assistance.

Sincerely yours,



Natalie Phillips
Registered Paralegal

Enc.

c: Stephen D. Roberts, Esq. (w/enc.)
Lon J. Dale, Esq. (w/enc.)
Larry W. Jones, Esq. (w/enc.)