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Attorneys are licensed in Montana unless otherwise noted; \* also licensed in North Dakota; \* also licensed in Wyoming; \* not licensed in Montana

February 21, 2008

**FILED**

FEB 21 2008

The Honorable James Jeremiah Shea  
 Workers' Compensation Court  
 P. O. Box 537  
 Helena, MT 59624-0537

RE: *Rausch v. State Fund*  
 WCC No. 9907-8274R1  
 Attorneys Fee Hearing

OFFICE OF  
 WORKERS' COMPENSATION JUDGE  
 HELENA, MONTANA

Dear Judge Shea:

On December 21, 2007, this Court held a telephonic hearing with attorneys Monte Beck and Steven Roberts (Counsel for Rausch Petitioners), and Steven Jennings (counsel for Rausch Respondents American Home Assurance Company, Insurance Company of the State of Pennsylvania, National Union Fire Insurance Company of Pittsburgh, PA ("Respondents")). The purpose of that conference was to discuss the settlement stipulation between Respondents and Petitioners regarding *Rausch* common fund attorneys fees withheld by Respondents from benefits due several of Respondents' insureds.

During the telephonic hearing the Court indicated its general approval of the settlement stipulation. However, the Court advised that, prior to fully approving the settlement, it would hold a hearing for the purpose of permitting the claimants listed in the settlement stipulation (from whose benefits common fund attorneys fees were withheld) to object to the amount of common fund attorneys fees withheld. It was then agreed that Steven Jennings would notify such claimants by mail of the upcoming hearing and that they had the right to attend and object to the attorney fee withholding. Following the telephonic hearing this Court scheduled the attorneys fee hearing for February 26, 2008.


Mr. Jennings now reports that the appropriate notice has been sent to all claimants listed in the settlement stipulation. The notice was sent to their last known addresses as well as those addresses revealed by an internet search. Sufficient time having elapsed since notice

Judge Shea letter regarding *Rausch* claimants  
February 21, 2008  
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was sent, Mr. Jennings now reports that responses have been received from claimants Larry Mindt, Richard Miller and Janna Weisgerber who have indicated they will not attend the hearing. Mr. Jennings further advises that no other claimants responded to the notice.

Sincerely yours,

CROWLEY, HAUGHEY, HANSON,  
TOOLE & DIETRICH P.L.L.P.



STEVEN W. JENNINGS  
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SWJ:jcb

Enclosures

cc: Lon Dale  
Monte Beck  
Steve Roberts