

WORKERS' COMPENSATION COURT

Hearing No. 3917
Volume XX

Helena, Montana
February 26, 2008

ALEXIS RAUSCH, et al.

Monte D. Beck
Lon J. Dale
Stephen D. Roberts

vs.

MONTANA STATE FUND, et al.

Thomas E. Martello

and

JEREMY RUHD

vs.

LIBERTY NORTHWEST INSURANCE CORPORATION

and

AMERICAN HOME ASSURANCE COMPANY,
INSURANCE COMPANY OF THE STATE OF
PENNSYLVANIA, and NATIONAL UNION FIRE
INSURANCE COMPANY OF PITTSBURGH, PA

Steven W. Jennings

WCC No. 9907-8274R1

A hearing was held this date with Monte D. Beck, Lon J. Dale, Steven W. Jennings, and Thomas E. Martello. Stephen D. Roberts expressed that he will defer to his co-counsel and did not participate in the hearing. Counsel were allowed to appear telephonically. Mr. Martello participated in person.

The purpose of the hearing was to allow public comment on the attorney fees stipulated to with Mr. Jennings' clients, American Home Assurance Company, Insurance Company of the State of Pennsylvania, and National Union Fire Insurance Company of Pittsburgh, PA.¹

The Court had previously approved the "Settlement Stipulation re Common Fund Attorneys' Fees Withheld by American Home Assurance Company; Insurance Company of the State of Pennsylvania; and National Union Fire Insurance Company of Pittsburgh,

¹ See "Settlement Stipulation Re Common Fund Attorneys' Fees Withheld by American Home Assurance Company; Insurance Company of the State of Pennsylvania; and National Union Fire Insurance Company of Pittsburgh, PA", Docket Item No. 346.

PA.” However, the Court and counsel agreed that the established precedent on what satisfies due process is to hold a public hearing allowing comment on the attorney fees.

Mr. Jennings mailed a letter to the potential claimants advising of the proposed attorney fees to be paid to Petitioners’ counsel which was withheld from their award, and any refund to which the claimant may be entitled. This letter provided the claimants with an area to indicate their willingness to attend the public hearing. An Order was mailed with the letter advising February 26, 2008, at 1:00 p.m. as the date and time for a public comment hearing.

Mr. Jennings’ February 21, 2008, letter to the Court² advised that three claimants responded advising they would not attend the hearing and that no other claimants responded to the notice. Mr. Jennings will maintain these three response letters in his file. No claimants appeared at the time set for this hearing.

An Order will be issued incorporating the parties’ aforementioned stipulation by reference.

Court adjourned at 1:10 p.m.

James Jeremiah Shea
JUDGE

Minute Entry e-mailed to attorneys of record on February 26, 2008.

PS/JB

Docket Item No. 354

² Docket Item No. 353.