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December 4, 2008

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

**FILED**

DEC - 5 2008

Oscar Dominguez  
1403 Avenue C.  
Billings, MT 59102

OFFICE OF  
WORKERS' COMPENSATION JUDGE  
HELENA, MONTANA

RE: Order Establishing Hearing Date for Common Fund Attorneys Fees.

Dear Mr. Dominguez:

Enclosed herein is the Workers Compensation Court's *Order Establishing Hearing Date For Common Fund Attorneys' Fees* which was signed and filed by the Court on December 3, 2008. This Order is intended to notify you of a hearing, should you chose to attend, which is set for Thursday, the 22nd day of January, 2009 in Helena, Montana at 9:00 a.m. As the Order indicates the hearing will be held in the courtroom of the Workers' Compensation Court at 1625 11th Avenue, Helena, Montana. Further, as the Order indicates, you have a right to attend and object to the attorney fee withholding which is noted in the Order and set out in the October 24, 2008 correspondence that you received, by certified mail, return receipt requested, from our office. Please also note that you can file a written statement supporting or objecting

DOCKET ITEM NO. 362

Oscar Dominguez  
December 4, 2008  
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to the proposed attorneys fees to the Workers' Compensation Court at the address indicated on page 2 of the Order.

Sincerely yours,

Marra, Sexe, Evenson & Bell, P.C.



Thomas A. Marra

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TAM/drd

encl.

cc: The Honorable James Jeremiah Shea  
Workers' Compensation Court

IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

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ALEXIS RAUSCH, et al.,	)	WCC No. 9907-8274R1
	)	
Petitioners,	)	ORDER ESTABLISHING HEARING
	)	DATE FOR COMMON FUND
vs.	)	ATTORNEYS' FEES
	)	
MONTANA STATE FUND,	)	
	)	
Respondent/Insurer,	)	
	)	
and	)	
	)	
THE TRAVELERS COMPANIES,	)	
	)	
Respondents/Insurers.	)	

**FILED**

DEC - 3 2008

OFFICE OF  
WORKERS' COMPENSATION JUDGE  
HELENA, MONTANA

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As the result of a decision by the Montana Supreme Court on September 5, 2002, in the above-captioned case, Petitioners established the right of permanently totally disabled workers' compensation claimants to receive an impairment award immediately upon receipt of their impairment rating. You have been identified as a claimant who has either received such an award, or is eligible to receive such an award, pursuant to the Supreme Court's decision.

Since the Petitioners in this case established the legal precedent for the immediate payment of the impairment awards to permanently totally disabled claimants, the Montana Supreme Court has determined that their attorneys are entitled to recover attorneys' fees in some amount from these benefits. The attorneys' fees are payable from the impairment awards that were obtained for claimants who suffered work injuries from the period of July 1, 1991, to September 5, 2002.

In recognition of this decision by the Montana Supreme Court, your workers' compensation insurer has withheld a certain percentage of your impairment award in order to pay the attorneys' fees incurred by Petitioners. The specific percentage of the attorneys' fees to be deducted from your impairment award has now been agreed upon between the Petitioners and your workers' compensation insurer but have not yet been

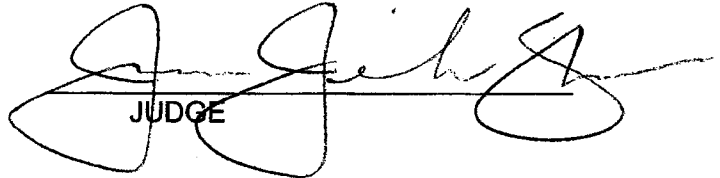
approved by the Montana Workers' Compensation Court. Specifically, the Petitioners and your workers' compensation insurer have agreed that the attorneys' fees be fixed at 15% of the impairment awards for claimants who were under 60 years of age on September 5, 2002; 10% of the impairment awards for claimants who were 60 or 61 years of age on September 5, 2002; 5% of the impairment awards for claimants who were 62 or 63 years of age on September 5, 2002; and 0% of the impairment awards for claimants who were 64 years of age or older on September 5, 2002. If the agreement is approved by the Montana Workers' Compensation Court, the attorneys' fees will be forwarded to the Petitioners' attorneys from the amounts withheld from your impairment award. Any remaining portion of the withheld amounts will be refunded to you.

The Court is not bound by the agreement between the Petitioners and your workers' compensation insurer and may set the amount of the attorneys' fees at some other level. The Court has scheduled a hearing to determine the amount of attorneys' fees, which you are invited to attend, on Thursday the 22nd day of January, 2009, in Helena, Montana at 9:00 a.m. The hearing will be held in the Courtroom of the Workers' Compensation Court, 1625 11th Avenue, Helena, Montana.

YOU HAVE THE RIGHT TO BE PRESENT AT THAT HEARING AND TO VOICE YOUR SUPPORT FOR OR OBJECTION TO THE PROPOSED ATTORNEYS' FEES. YOU MAY ALSO FILE A WRITTEN STATEMENT SUPPORTING OR OBJECTING TO THE PROPOSED ATTORNEYS' FEES BY MAILING YOUR STATEMENT TO THE WORKERS' COMPENSATION COURT, P.O. BOX 537, HELENA, MONTANA, 59624-0537, NO LATER THAN JANUARY 15, 2009. *All oral and/or written comments should be limited to the proposed attorneys' fees.*



Dated in Helena, Montana, this 3rd day of December, 2008.

  
JUDGE

c: Parties of Record Via Website