

WORKERS' COMPENSATION COURT

Hearing No. 3665
Volume XVIII

Helena, Montana
February 9, 2006

ALEXIS RAUSCH, et al.

Monte D. Beck
Lon J. Dale

vs.

MONTANA STATE FUND, et al.

and

JEREMY RUHD

vs.

LIBERTY NORTHWEST INSURANCE CORPORATION Larry W. Jones

WCC No. 9907-8274R1

A telephone conference was held this date with Mr. Thomas J. Murphy, Mr. Larry W. Jones, Mr. Lon J. Dale, and Mr. Monte D. Beck at the request of Mr. Jones. The purpose of the conference was to discuss the attorney fee award for the claim of Mr. Tom Vosen.

In Mr. Murphy's summary to the Court, he advised that he represented Mr. Vosen in his PTD claim. Mr. Vosen was given a seventy-five percent impairment rating. Fifty percent of that impairment rating was paid in 2004. A twenty-five percent attorney fee lien was withheld, a portion of which is being held by Liberty Northwest and the remainder being held by Mr. Murphy in his client trust account. The remainder of the award was paid to Mr. Vosen. The total amount of attorneys' fees remaining in trust is \$14,185.95. Mr. Murphy and the FFR attorneys, Mr. Dale, Mr. Beck, and Mr. Stephen D. Roberts, are all in agreement on the division of attorneys' fees and are requesting the fees to be released.

Historically, when a claimant has been represented by counsel and there was an agreement between the claimant's attorney and the common fund attorneys, interim attorneys' fees were paid. This is such a situation.

Mr. Jones requested the telephone conference as he does not want to prejudice Liberty Northwest's position in other common fund cases by agreeing to release the fees.

All parties have agreed that an Order releasing the fees is to be crafted in such a fashion so as not to prejudice Liberty Northwest's argument in any of the other common fund matters. Mr. Jones is to draft an Order, circulate it to the other counsel for approval, and submit it to the Court.

James Jeremiah Shea
JUDGE

Minute Entry e-mailed to attorneys of record on February 9, 2006.