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FILED

MAR 16 2010

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OFFICE OF
 WORKER'S COMPENSATION JUDGE
 HELENA, MONTANA

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Common Fund Attorneys

IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

ALEXIS RAUSCH, et al.,)
)
 Petitioner,)
)
 -vs-)
)
 MONTANA STATE FUND, et al.)
)
 Respondent.)
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WCC No. 9907-8274R1

**STIPULATION FOR PAYMENT OF
 COMMON FUND ATTORNEYS'
 FEES WITHHELD FROM ~~ALLANE~~ ALANNE
 RYAN'S IMPAIRMENT RATING**

ALANNE
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This settlement stipulation is made and entered into by and between Lon J. Dale, Monte D. Beck and Stephen D. Roberts ("common fund attorneys") and Jim Edmiston, attorney for ~~Allane~~ Ryan.

Alanne

Allanne

1. ~~Allane~~ Ryan was injured on March 16, 1993, which injury was covered by Montana Association of Counties' Workers' Compensation Trust (MACOWCTr).

2. Ms. Ryan received an impairment rating of 36% on July 15, 2005, amounting to \$21,987.00. Twenty-five percent of that impairment rating was withheld by Montana Association of Counties Workers' Compensation Trust (MACOWCTr) for common fund attorneys' fees, which amounted to \$5,496.75.

3. Rather than the maximum fee allowed by statute, the Common Fund Attorneys have agreed to the same fee schedule approved by this Court in its July 10, 2003 Attorney Fee Order and Judgment in Rausch v. Montana State Fund, which is a fee of 15% of any impairment award paid to a claimant less than 60 years of age, 10% if the claimant is age 60 or 61, at 5% if the claimant is age 62 or 63. The ages are determined as of the date of the Supreme Court decision in Rausch, September 5, 2002.

4. As of September 5, 2002, *Allanne* Ryan was under the age of 60, therefore, 15% of her impairment rating is owed for common fund fees. Jim Edmiston, attorney for Allane Ryan, has contacted Ms. Ryan regarding this matter, and Ms. Ryan agrees to the payment of the common fund attorneys at the rate of 15% of the impairment rating, with the remaining funds withheld to go to her.

5. The parties request this Court issue an Order directing Montana Association of Counties Workers' Compensation Trust to issue a check for the common fund attorneys' fees withheld from Ms. Ryan's impairment rating in the amount of \$3,298.05 (15% of the impairment rating of \$21,987.00), and a check to Ms. Ryan for the remaining amount of \$2,198.70 (10% of 21,987.00).

6. The common fund attorneys' fees check is to be made out to the Milodragovich, Dale, Steinbrenner & Nygren, P.C.'s Trust Account (MDSN Trust Account), for distribution in equal one-third shares to the common fund attorneys.

7. Ms. Ryan's check is to be sent to her attorney, Jim Edmiston.

DATED this 15th day of March, 2010.

EDMISTON & COLTON
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By: 

Jim Edmiston

GROSFIELD LAW OFFICE
P.O. Box 5015
Helena, MT 59604-5015
Attorney for Montana Association of
Counties' Workers' Compensation Trust

By: 

Norm Grosfield

STIPULATION FOR PAYMENT OF COMMON FUND ATTORNEYS' FEES WITHHELD FROM-ALLANE RYAN'S IMPAIRMENT RATING - Page 2

Allanne

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By: 
Lon J. Dale

6654/5 (kwp)

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March 15, 2010

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

Re: Rausch, et al. v. Montana State Fund, et al.

Dear Judge Shea:

Enclosed is a stipulation entered into between Petitioner's counsel, the MACO Workers' Compensation Trust, and Jim Edmiston, the attorney for Ms. Ryan, in relation to common fund fees that were withheld by the Trust per the decision in the Rausch case. Also enclosed is a proposed order.

A correction has been made by ink regarding Ms. Ryan's first name.

If the proposed order is acceptable to the Court, we would appreciate it if you would proceed to issue the order.

If you have any questions, please contact Lon Dale, Jim Edmiston, or myself. We appreciate the Court's consideration of this matter.

Sincerely,



Norman H. Grosfield
Attorney for the MACOWCTR.

Enclosures

c: Lon J. Dale
James G. Edmiston