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FILED

OCT 14 2011

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.,)	WCC No. 9907-8274R1
)	
Petitioner,)	SETTLEMENT STIPULATION RE
)	COMMON FUND ATTORNEYS'
-vs-)	FEES WITHHELD MONTANA
)	MUNICIPAL INSURANCE
MONTANA STATE FUND, et al.)	AUTHORITY
)	
Respondent.)	
)	

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 Montana Municipal Insurance Authority ("MMIA"), through its attorneys, Browning, Kaleczyc, Berry & Hoven, P.C.

1. 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.

Common fund attorney fees have been withheld by MMIA on the impairment awards of the following individuals as set forth below:

Name	Age on 9/5/02	Fee %	DOI	Impairment Rating (IR)	Amount of Award	CF Atty Fees Withheld by MMIA	Common Fund Attorney Fees Owed	Balance Due Claimant
Anderson, Wayne (Deceased)	64	0	33790	67%	\$40,920.25	\$9,681.80	\$0.00	\$9,681.80
White, Donald (Deceased)	59	15%	33885	5%	\$3,053.75	\$763.44	(Waived)	\$763.44
Myran, Curtis	54	15%	35359	20%	\$13,440.00	\$3,360.00	\$2,580.48	\$779.52
Brozevich, Charles	60	10%	36389	28%	\$20,825.00	\$5,034.75	\$2,082.50	\$2,952.25
TOTAL COMMON FUND ATTORNEYS' FEES TO BE PAID:							\$4,662.98	

2. The common fund attorneys agree to waive all attorneys' fees withheld beyond the percentage dictated by this Court's July 10, 2003, Attorney Fee Order, which are set forth above. Therefore, the amount in the "Balance Due Claimant" column is to be refunded to the respective claimants by MMIA.

3. However, for Donald White, deceased, because of the small amount of the common fund attorney fees owed (\$458.06) under the above schedule, and the work required to notify the estate, the common fund attorneys waive their fees on Mr. White's impairment award, and request that the entire withheld amount of \$763.44 be paid directly to Mr. White's heirs.

4. Further, no fees are claimed for Wayne Anderson, who we understand to be deceased. It is our understanding that Mr. Anderson's attorney, Andrew Huppert, will be assisting MMIA to transfer the withheld funds to the heirs of Mr. Anderson. Mr. Huppert has received a copy of this stipulation.

5. Common Fund attorney, Lon J. Dale, agrees to serve notice of the common fund attorneys' fees claimed from the amounts withheld by MMIA. This notice will be by certified mail to claimants Curtis Myran and Charles Brozevich, at the addresses provided by MMIA, and by regular mail to their respective attorneys. Each claimant will be given three weeks from the time of mailing within which to object. In the event of an objection, claimants, or their attorneys, shall be required to file written objections with the Workers' Compensation Court or Browning, Kaleczyc, Berry & Hoven, P.C., or with Milodragovich, Dale, Steinbrenner & Nygren, P.C.

6. Further, Lon J. Dale shall advise the Court by affidavit at the conclusion of the three weeks, confirming notice to claimants and status of any objections.

7. Should objections be made, this Court will schedule a hearing to hear the objections, and, after the hearing, issue an order regarding the payment of the common fund

attorneys' fees.

8. If there are no objections, a proposed order will be submitted to the Court by Common Fund Attorney, Lon J. Dale, for MMIA to pay the common fund fees requested herein and for reimbursement of the balances to each of the claimants.

The order shall direct MMIA to promptly send a check for the common fund attorneys fees payable to the Milodragovich, Dale, Steinbrenner & Nygren, P.C., Trust Account (MDS&N Trust Account) in the amount of \$4,662.98 for common fund attorneys fees withheld from Curtis Myran (\$2,580.48), and from Charles Brozevich (\$2082.50). MDS&N will make an equal 1/3 distribution to each of the common fund attorneys. The order shall further direct MMIA to distribute to the respective claimants the balance of withheld fees as set forth above.

DATED this 13th day of October, 2011.

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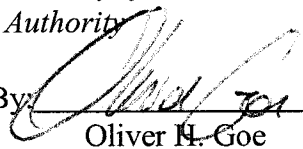
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By: _____


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*Attorneys for Montana Municipal Insurance
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By: _____


Oliver H. Goe



MILODRAGOVICH, DALE
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ATTORNEYS

MICHAEL J. MILODRAGOVICH
LON J. DALE
GERALD W. STEINBRENNER
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G. PATRICK HAGESTAD
ELIZABETH A. O'HALLORAN
PERRY J. SCHNEIDER

CORY R. GANGLE
W. ADAM DUERK
P. BRAD CONDRA
GIOVANNA M. MCLAUGHLIN
CHRISTOPHER DECKER
HANNAH STONE
DYLAN M. MCFARLAND

TRANSMITTAL MEMORANDUM

October 13, 2011

Jackie Poole
Deputy Clerk of Court
Workers' Compensation Court
P.O. Box 537
Helena, MT 59624-0537

Our File No: 6654/5

RE: Common Fund Attorneys' Fees, WCC# 9907-8274R1

Documents and/or papers listed below are enclosed:

Settlement Stipulation Re Common Fund Attorneys' Fees Withheld Montana Municipal
Insurance Authority (original)

Please note:

File/record. Thank you.

Sincerely,

MILODRAGOVICH, DALE
STEINBRENNER & NYGREN, P.C.

Annabelle Villaraza Blade
Paralegal to Lon J. Dale

AVB/ab
Enclosure