

COMES NOW Lon J. Dale, one of the common fund attorneys in the above-referenced cause of action, and advises the Court pursuant to the Stipulation of October 13, 2011, that:

1. Pursuant to the Stipulation herein of record between the common fund attorneys and the attorney for Montana Municipal Insurance Authority (MMIA), Oliver H. Goe, of the law firm of Browning, Kaleczyc, Berry & Hoven, P.C., notice was sent to claimants Curtis Myran and Charles Brozevich at the addresses provided by MMIA, and also to their respective attorneys. According to the Stipulation, notice was to have been sent to the claimants by certified mail, however, due to an oversight, the notices to Mr. Myran and Mr. Brozevich were sent by regular U.S. Mail.

2. Upon discovery of the mailing oversight, this office contacted Curtis Myran and Charles Brozevich by telephone to determine if they had received their notice and copy of the Stipulation. Mr. Brozevich confirmed he received the notice and Stipulation copy on Saturday, October 15th. Mr. Myran stated he received the notice and Stipulation on October 21st, as he had been out of town.

3. Mr. Brozevich and Mr. Myran each stated that they had no objection to the terms of the Stipulation; and as of the filing of this affidavit, no written objections have been received in this office, nor, according to Oliver Goe, no objections were filed with Browning, Kaleczyc, Berry & Hoven. We have received no notice from the Court of objections being filed with the Court.

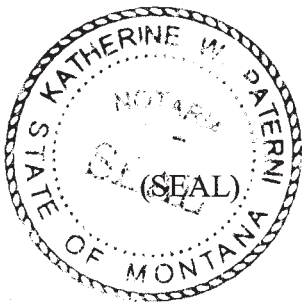
4. As no objections have been entered of record, common fund counsel have prepared an Order for the Court's consideration to allow the distribution of funds by MMIA in accordance with the Stipulation.


FURTHER, AFFIANT SAITH NOT.



Lon J. Dale

SUBSCRIBED AND SWORN to this 23rd day of November, 2011.





Printed Name: Katherine W. Paterni
Notary Public for the State of Montana
Residing at Missoula
My Commission Expires: September 8, 2012

6654/5 (kwp)

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CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon the following individuals by the means designated below this 23rd day of November, 2011:

- CM/ECF
- U.S. Mail
- Fed Ex
- Hand-Delivery
- Facsimile
- Email

Oliver Goe, Esq.
BROWNING, KALECZYC, BARRY &
HOVEN, P.C.
825 Great Northern Blvd., Suite 105
PO Box 1697
Helena, MT 59624-1697



A handwritten signature in cursive script, reading "Ashley Saterai", is written over a horizontal line.

- c: Andrew Huppert
Ben Everett
Kenneth Thomas
Monte D. Beck
Stephen D. Roberts

6654/5 (kwp)

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MILODRAGOVICH, DALE
STEINBRENNER & NYGREN, P.C.

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TRANSMITTAL MEMORANDUM

November 23, 2011

Clara Wilson, Clerk of Court
Workers' Compensation Court
P.O. Box 537
Helena, MT 59624-0537

Our File No: 6654/5

RE: *Alexis Rausch, et al., v. Montana State Fund, et al., Common Fund Attorney Fees/MMIA*

Documents and/or papers listed below are enclosed:

- 1) Affidavit of Common Fund Attorney Regarding Notice to Montana Municipal Insurance Authority Claimants; and
- 2) Proposed Order for Distribution of Common Fund Attorney Fees Withheld by Montana Municipal Insurance Authority.

Please note: The Settlement Stipulation Re Common Fund Attorneys' Fees Withheld [by] Montana Municipal Insurance Authority was mailed to this Court on October 13, 2011. Please let me know if Judge Shea would like anything further or any changes in the proposed Order. Thank you, Clara!

Sincerely,

MILODRAGOVICH, DALE
STEINBRENNER & NYGREN, P.C.



Katherine W. Paterni
Paralegal to Lon J. Dale

Enclosures

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