

WORKERS' COMPENSATION COURT

Hearing No. 3901
Volume XX

Helena, Montana
December 21, 2007

ALEXIS RAUSCH, et al.

Monte D. Beck
Lon J. Dale
Stephen D. Roberts

vs.

MONTANA STATE FUND, et al.

and

JEREMY RUHD

vs.

LIBERTY NORTHWEST INSURANCE CORPORATION

and

AMERICAN HOME ASSURANCE COMPANY,
INSURANCE COMPANY OF THE STATE OF
PENNSYLVANIA, and NATIONAL UNION FIRE
INSURANCE COMPANY OF PITTSBURGH, PA

Steven W. Jennings

WCC No. 9907-8274R1

A telephone conference was held this date with Monte D. Beck, Stephen D. Roberts, and Steven W. Jennings at the request of the Court. Lon J. Dale expressed that he will defer to his co-counsel and did not participate in the conference. The purpose of the conference was to discuss the settlement stipulation regarding common fund attorney fees withheld by American Home Assurance Company, Insurance Company of the State of Pennsylvania, and National Union Fire Insurance Company of Pittsburgh, PA.

The Court advised that the "Settlement Stipulation re Common Fund Attorneys' Fees Withheld by American Home Assurance Company; Insurance Company of the State of Pennsylvania; and National Union Fire Insurance Company of Pittsburgh, PA," was satisfactory. However, the precedent that has been established on what satisfies due process is to hold a public hearing allowing comment on the attorney fees. Counsel agreed.

Mr. Jennings will draft and mail a letter to the potential claimants. Counsel agreed that it was sufficient for these letters to be mailed to the last known addresses, cross-checked with an internet search for current addresses. Mr. Jennings advised that one

claimant is known to be deceased. If Mr. Jennings is unable to locate current information on the personal representative, he will advise the Court and counsel and another conference call may be scheduled.

Mr. Jennings' letter will advise the claimants of the proposed attorney fees to be paid to Petitioners' counsel which was withheld from their award, and any refund to which the claimant may be entitled. This letter will provide the claimant with an area to indicate their willingness to attend the public hearing. An Order shall be mailed with the letter which sets forth the date and time for a public comment hearing. The hearing shall be scheduled, at a minimum, 30 days from the date of Mr. Jennings' letter. The Order setting the public hearing shall be in the same format as the Order for Notification of Common Fund Fee Settlement and Hearing Date filed in *Rausch, Fisch, Frost v. Montana State Fund* (WCC Nos. 9907-8274R1, 2000-0023R1, and 2000-0030R1) on May 6, 2003.

Counsel of record will be allowed to appear at this hearing via telephone, should they desire. Additionally, if all claimants advise that they will not appear at said hearing, the hearing may be vacated.

James Jeremiah Shea
JUDGE

Minute Entry e-mailed to attorneys of record on December 21, 2007.

PS/JB

Docket Item No. 347