

IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

WCC No. 9907-8274R1

ALEXIS RAUSCH, et al.

Petitioners

vs.

MONTANA STATE FUND

Respondent/Insurer

and

JEREMY RUHD

Petitioner

vs.

LIBERTY NORTHWEST INSURANCE CORPORATION

Respondent/Insurer.

NOTICE OF IN-PERSON CONFERENCE

¶1 Notice is hereby given that the Court has scheduled an in-person conference with all counsel and interested persons in the above-entitled matter on Wednesday, March 23, 2005, at 1:00 p.m., at the Workers' Compensation Court, 1625 Eleventh Avenue, Helena, Montana. The purpose of the conference is to discuss the following matters:

- The use and logistics of telephonic conferences for status purposes or to discuss and informally resolve issues specific to particular insurers. Matters to be discussed include notification and participation of other parties, how the matters to be discussed should be specified, and how conferences involving more telephone lines than available to the Court should be arranged.
- How to handle conferences which specifically concern problems in identifying and securing information with respect to claimants of insurers who have not objected to furnishing the information required in the summonses and who are cooperating in the process.
- Whether all conferences, including telephonic ones, should be recorded

by a court reporter. If so, who pays?

- What documents and communications need to be served or disseminated to whom, especially correspondence and documents which pertain only to specific insurers and their claimants.
- Is dissemination of further non-confidential documents via the Court's WEB site, with e-mail notice to attorneys and interested parties sufficient? If not, how should we disseminate the documents?
- Filing and docketing of documents in the case.
- Handling of requests by petitioners' attorneys or the Court for further information from insurers who are not represented by counsel but who have submitted responses and information through their adjusters or other non-attorneys.
- Identification of legal issues remaining and the parties raising them.
- How remaining legal issues should be presented and argued.
- Whether remaining legal issues might interfere with ongoing identification and payment of benefitted claimants.
- Whether a pending Petition for Declaratory Judgment in *Asarco, Inc. v. Foster*, WCC No. 2004-1120, affects the proceedings in this case. (Copies of the petition, response, and briefs are on the Court's common fund WEB site.)

¶2 Counsel may notify the Court of any additional items they wish to discuss during this meeting.

¶3 Since the procedures established in this case may become a blueprint for the handling of other common fund cases, counsel not already involved in this case but having an interest in other common fund cases, or potential common fund cases, are being invited to participate in the conference.

DATED in Helena, Montana, this 2nd day of March, 2005.

(SEAL)

/s/ Mike McCarter
JUDGE

c: Order e-mailed to *Rausch, Ruhd, Stavenjord, Flynn, Hiett, Wild, Mathews, Schmill, Reesor, Miller, Satterlee* and *Asarco v. Foster* attorneys and other interested parties (see attached list) on March 2, 2005.
Lesofski & Walstad Court Reporters