

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.

**ORDER APPROVING CONFIDENTIALITY AGREEMENT AND
AUTHORIZING RELEASE OF INFORMATION BY
LIBERTY NORTHWEST INSURANCE CORPORATION**

¶1 Petitioners' attorneys, Lon J. Dale, Monte D. Beck, and Stephen D. Roberts, have filed a Confidentiality Agreement covering information they receive from insurers identifying permanently totally disabled claimants possibly entitled to impairment awards pertaining to their entitlements. Having reviewed the agreement, and finding it sufficient to protect against public dissemination of the information and against the use of the information other than in connection with the common fund proceedings in this case,

¶2 IT IS HEREBY ORDERED that the Confidentiality Agreement is **approved** and its terms and provisions adopted as an Order of this Court. Counsel shall abide by the agreement. In the event questions arise concerning application of the agreement, they shall apply to the Court for guidance.

¶3 IT IS FURTHER ORDERED that Liberty Northwest Insurance Corporation (Liberty), and other insurers who have claimants possibly entitled to benefits as a result of the Montana Supreme Court decisions in these consolidated cases, are authorized to disclose to the petitioners' attorneys claims information concerning claimants injured or suffering occupational diseases since June 30, 1991, who possibly are or have been permanently totally disabled. Liberty is further authorized and shall provide the petitioners' attorneys with access to claims files for the identified claimants and allow the attorneys to review the files to determine each claimant's possible entitlement to an impairment award. Such access shall extend but not be limited to medical reports and information, but not include privileged attorney-client communications or attorney work product. With respect to any attorney-client communications and attorney work product removed from the files prior to review, Liberty has agreed to, and shall, keep a log of such documents and provide it to the petitioners' attorneys. The petitioners' attorneys shall be permitted to copy documents relevant to any impairment award but shall provide Liberty and its attorneys with duplicate copies of all documents which are copied.

DATED in Helena, Montana, this 18th day of February, 2005.

(SEAL)

/s/ MIKE McCARTER
JUDGE

c: Order e-mailed to Rausch Distribution List (see attached) on February 18th, 2005.