

TRANSCRIPT OF PROCEEDINGS

1           IN THE WORKERS' COMPENSATION COURT  
2                   OF THE STATE OF MONTANA

3   JEREMY RUHD,                                 ) WCC No. 2002-0500  
4                                 Claimant,         )  
5   vs.   )  
6   LIBERTY NORTHWEST INSURANCE     )  
7   CORPORATION,                             )  
8                   Respondent/Insurer.     )

9                                 TRANSCRIPT OF PROCEEDINGS

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12           BE IT REMEMBERED, that the proceedings in the  
13 above-captioned matter was heard before the  
14 Honorable Mike McCarter, at the offices of the  
15 Workers Compensation Court, 1625 Eleventh Avenue,  
16 Helena, Montana, on the 25th day of June, 2003,  
17 beginning at the hour of 11:37 a.m., before Laurie  
18 Crutcher, Registered Professional Reporter, Notary  
19 Public.

20                                 \* \* \* \* \*

A P P E A R A N C E S :

1  
2 APPEARING FOR THE CLAIMANT:  
MR. GEOFFREY C. ANGEL  
3 Attorney at Law  
125 W. Mendenhall  
4 Bozeman, MT 59715

5 APPEARING FOR LIBERTY NORTHWEST:  
MR. LARRY W. JONES  
6 Attorney at Law  
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7 Missoula, MT 59803-1489

8 APPEARING FOR THE STATE FUND:  
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11 MR. GREG E. OVERTURF  
12 Special Assistant Attorney General  
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## 1           A P P E A R A N C E S (CONTINUED)

2   ALSO PRESENT:

3   MR. MARK CADWALLADER

4   Legal Counsel

5   Department of Labor and Industry

6   Legal Services Division

7   P.O. Box 1728

8   Helena, MT   59624-1728

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10   MR. DEAN BLACKABY

11   Attorney at Law

12   303 Ewing

13   Helena, MT   59601

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15   MR. LUCAS J. FOUST

16   Attorney at Law

17   2135 Charlotte St., Suite 1A

18   Bozeman, MT   59718

19

20   MS. CAROL GLEED

21

22   MR. PETER STRAUSS

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TRANSCRIPT OF PROCEEDINGS

1 Whereupon, the following proceedings were  
2 had:

3 \* \* \* \* \*

4 THE COURT: Ruhd, where are we?

5 MR. JONES: Your Honor, I think we have  
6 some stipulations. Your Honor, I believe we have  
7 the following stipulation. Geoff is not going to  
8 seek class action certification.

9 Secondly, we will follow -- Geoff is  
10 making a common fund claim against Liberty  
11 Northwest, the named carrier in the case. And  
12 we've agreed to follow the same format as in the  
13 Wild and Mathews cases of a 45 day period to  
14 develop relevant information; during which time we  
15 can discuss what we're developing, sharing, see  
16 what agreements can be reached; after which, there  
17 will be a deadline you will set for briefs on the  
18 same issues as in the other cases.

19 And there is a possibility in the Ruhd  
20 case that the FFR attorneys will appeal your  
21 decision, in which they were not allowed a common  
22 fund against Liberty. If that occurs, we  
23 nevertheless will proceed with this procedure on  
24 the common fund issue, and we will continue to  
25 withhold 25 percent of any moneys paid pursuant to

1 my intent on that. Has anybody heard from --  
2 Well, I'll talk to them later today.

3 MR. ANGEL: I was going to stay for  
4 that.

5 THE COURT: You can. You're absolutely  
6 welcome to stay for that.

7 MR. LUCK: Last we heard, they were  
8 seriously considering filing a writ.

9 THE COURT: They actually could file an  
10 appeal.

11 MR. LUCK: I'm not sure if it's in both  
12 cases or one case or how that works.

13 THE COURT: It'll probably end up --  
14 I've got a matter before me in that case that  
15 will probably give them an opportunity to use both  
16 of them for that case, or in the alternative  
17 they'll probably want to take both cases up on  
18 appeal. Very good. What have we got next?

19 (The proceedings were concluded  
20 at 11:40 a.m.)

21 \* \* \* \* \*

1 Ruhd to Liberty Northwest claimants, and the  
2 Courts can tell us who gets it. This will --

3 THE COURT: I assume proceeding with  
4 payment depending on how I resolve these other  
5 issues.

6 MR. JONES: That's exactly right.  
7 That's in the future. Just so we're not sitting  
8 on that group of cases, we'll move them forward,  
9 because if the FFR attorneys prevail, the same  
10 information and procedure probably would have to  
11 be followed, so why delay. And I think that  
12 resolves the Ruhd issue.

13 THE COURT: Okay. I agree with that.

14 MR. ANGEL: I think, as I understood it,  
15 when they file a notice of appeal, we would still  
16 consent if the Court agrees to brief  
17 retrospectivity, and I think that's what Larry is  
18 saying, my understanding. So we'd still resolve  
19 these issues while that other limited issue is on  
20 appeal.

21 THE COURT: Right. The only thing I did  
22 with that I joined the attorneys as intervenors so  
23 they could appeal the case, and then I bifurcated  
24 that specific issue so they can take the appeal,  
25 so that's not holding up anything else. That was

1 C E R T I F I C A T E

2 STATE OF MONTANA )

3 : SS.

4 COUNTY OF LEWIS & CLARK )

5 I, LAURIE CRUTCHER, RPR, Court Reporter,  
6 Notary Public in and for the County of Lewis  
7 & Clark, State of Montana, do hereby certify:

8 That the proceedings were taken before me at  
9 the time and place herein named; that the  
10 proceedings were reported by me in shorthand and  
11 transcribed using computer-aided transcription,  
12 and that the foregoing -6- pages contain a true  
13 record of the proceedings to the best of my  
14 ability.

15 IN WITNESS WHEREOF, I have hereunto set my  
16 hand and affixed my notarial seal  
17 this day of , 2003.

18  
19 LAURIE CRUTCHER, RPR  
20 Court Reporter - Notary Public  
21 My commission expires  
22 March 9, 2004.  
23  
24  
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