

Charles W. Schuyler  
MARSILLO & SCHUYLER, PLLC  
103 So. 5<sup>th</sup> Street East  
Missoula, MT 59801  
(406) 543-8261  
(406) 543-8263 fax

**FILED**

**JAN 28 2004**

OFFICE OF  
WORKERS' COMPENSATION JUDGE  
HELENA, MONTANA

**IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA**

**CHRISTOPHER SANDRU,**  
**Petitioner,**

**WCC NO. 2003-0908**


vs.

**ROCHDALE INSURANCE CO.**  
**Respondent/Insurer.**

**NOTICE TO ATTORNEY  
GENERAL OF CONSTITUTIONAL  
QUESTIONS**

The above-named Petitioner, by and through counsel and pursuant to the provisions of Rule 24(d), M.R.Civ.P., hereby gives notice to the Attorney General of the State of Montana, by mailing a true copy of this document, that the Petitioner claims and alleges that Section 39-71-611(3), MCA (2003), referred to as Chapter 464, and enacted as Senate Bill 450, in the 2003 Montana Legislative Session, with effective date of April 21, 2003, and which statute expressly bars attorney fees to be paid from a "common fund" generated primarily by the efforts of said attorney and his client through the vehicle of a Rule 23, M.R.Civ.P., class action, or quasi-class action as allowed or provided by the Workers Compensation Court and by law, is unconstitutional, in that it violates Article II, Section 16, Montana Constitution, and also the Due Process requirement of Article II, Section 17, and the Fifth and Fourteenth Amendments of the U. S. Constitution, and any other applicable constitutional provision as indicated by Petitioner in the above-captioned case. A copy of the Reply Brief filed by Petitioner which raises this constitutional issue and challenge is attached hereto as Exhibit "A."

DATED this 27<sup>th</sup> day of January, 2004.

  
\_\_\_\_\_  
**CHARLES W. SCHUYLER**  
**Attorney for Petitioner**