

Wilson, Clara

From: Wilson, Clara
Sent: Thursday, March 03, 2005 11:41 AM
To: Jim Hunt (E-mail); Tom Murphy (E-mail); Tom Harrington (E-mail); Mike Heringer (E-mail); Brad Luck (E-mail); David Sandler (E-mail)
Subject: Satterlee, et al. v. Lumberman's, et al., WCC No. 2003-0840

Counsel:

The Court is preparing a Notice of Opportunity to Appear and Intervene in the Satterlee matter. This notice is going to be sent to insurers and self-insurers in the State of Montana. The question the Court has is - is it appropriate and sufficient for this list of insurers and self-insurers to be pulled from the Department's records dating back to July 1, 1987?

The Court currently has a list compiled in the Reesor matter which is between the dates of July 1, 1987 through December 22, 2004. If this list of insurers and self-insurers is appropriate to use in the Satterlee matter, we will use that list in noticing the Satterlee insurers and self-insurers.

Please let me know.

Thank you.

Clara Wilson
Deputy Clerk of Court
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FILED

MAR 3 2005

OFFICE OF
WORKER'S COMPENSATION JUDGE
HELENA, MONTANA

IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

WCC No. 2003-0840

CATHERINE E. SATTERLEE, et al.

Petitioners

vs.

LUMBERMAN'S MUTUAL CASUALTY COMPANY, et al.

Respondents/Insurers.

NOTICE OF OPPORTUNITY TO APPEAR AND INTERVENE

The State of Montana to the following Insurers and Self-Insureds:

[LIST]

¶ The Amended Petition for Hearing in the above entitled matter alleges that the provision of section 39-71-710, MCA, which provides for termination of permanent total disability benefits upon a claimant's receipt of social security retirement benefits or upon becoming eligible for such benefits is unconstitutional. The petition further requests that the case be certified as a class action or that the common fund doctrine be applied.

¶ Petitioners have filed their opening brief regarding their constitutional challenge. The Court invites you to review that brief. A copy of that brief can be downloaded from the Court's WEB site, www.wcc.dli.mt.gov, by going to the common fund area and thence to the linked *Satterlee* page.

¶ At present, the Court does not intend to address the class action and common fund requests. However, since disposition of the constitutional challenge may lead to a class or common fund certification affecting insurers not presently parties in this case, the Court is providing an opportunity to all insurers to appear and intervene in this case so that they can participate in the briefing and argument of the constitutional issues and, if the constitutional issues are decided in petitioners' favor, in the briefing and argument of the class action and common fund certification requests.

¶ If you wish to appear and intervene in this case, then you must cause your attorneys

to file a Notice of Appearance on your behalf, along with a Notice of Intervention. Such notices should be mailed to the Court at P.O. Box 537, Helena, MT 59624-0537, or delivered to its offices at 1625 11th Avenue, Helena, Montana, no later than [date]. The Court will be responsible for disseminating copies of your notices to counsel of record and to other interested persons.

¶ A schedule for filing of answer and reply briefs will be fixed after the time for intervention has expired.

DATED in Helena, Montana, this ____ day of March, 2005.

(SEAL)

JUDGE

c: Mr. James G. Hunt
Mr. Thomas J. Murphy
Mr. Michael P. Heringer
Mr. Bradley J. Luck
Mr. Thomas J. Harrington
Mr. David M. Sandler