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FILED

JAN 27 2006

OFFICE OF
WORKERS' COMPENSATION JUDGE
HELENA, MONTANA

IN THE WORKERS COMPENSATION COURT OF THE STATE OF MONTANA
IN AND FOR THE AREA OF KALISPELL
BEFORE THE WORKERS' COMPENSATION JUDGE

CASSANDRA SCHMILL,)	
)	WCC NO. 2001-0300
Petitioner,)	
)	
vs.)	PETITIONER'S OBJECTION TO INSURERS'
)	MOTION FOR EXTENSION OF TIME
LIBERTY NW INS. CORP.,)	
)	
Respondent/Insurer,)	
)	
and)	
)	
MONTANA STATE FUND,)	
)	
Intervenor.)	
_____)	

COMES NOW the Petitioner, CASSANDRA SCHMILL, by and through her attorney of record, and files the following response to the Motion for Extension of Time filed by Royal & Sunalliance, Lumbermans Underwriting, Alliance, ASARCO, Inc., Benefits, Continental Casualty Co., Golden Sunlight Mines, Northwest Healthcare Corp., Northwestern Energy, LLC, F.H. Stoltze Land & Lumber Co., and Safeway.

The aforementioned Insurers' have filed a Motion for Extension of Time seeking 60 days in which to respond to the Amended Summons and Notice of Attorney Fee Lien. Petitioner objects to the request for a 60 day extension. Petitioner has agreed to a 30 day extension with insurers that called Petitioner's counsel seeking additional time. Petitioner's counsel was not contacted by the aforementioned Insurers' counsel in this case. It seems reasonable to allow an additional 30 days, however, at that time if additional time is warranted, the Petitioner would ask that the Insurers be required to provide the Court with information outlining the due diligence taken to respond to the Amended Summons and why additional time is needed in order to do so.

The Petitioner also objects to the Insurers' contention that neither the Petitioner, nor Petitioner's counsel, would be prejudiced by a 60 day extension. To the contrary, the longer it takes to effectuate service and obtain responses to the Amended Summons in this case, the longer it will take for the claimants entitled to receive additional benefits to be paid those benefits. It has already taken a substantial amount of time just getting to this point in the proceedings. Moreover, the insurers have been aware of what was going to be required of them from this Amended Summons for over six months now and thus they have had ample time in which to perform the necessary investigation relative to the issues identified in the Amended Summons and Notice of Attorney Fee Lien.

WHEREFORE, for the foregoing reasons, the Petitioner respectfully requests that the Court deny the aforementioned Insurers' Motion for Extension of Time to the extent it seeks an additional 60 days, but allow the Motion for Extension of Time up to and including, February 22, 2006.

DATED this 26 of January, 2006.

ATTORNEYS FOR PETITIONER

BOTHE & LAURIDSEN, P.C.
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By: 

LAURIE WALLACE

CERTIFICATE OF MAILING

I, Robin Stephens, do hereby certify that on the 26 day of January, 2006, I served a true and accurate copy of the PETITIONER'S RESPONSE TO INSURERS' RESPONSE TO AMENDED SUMMONS AND NOTICE OF ATTORNEY FEE LIEN by U.S. mail, first class, postage prepaid to the following:

Bryce Flock
HAMMER, HEWITT, & JACOBS, PLLC
P.O. Box 7310
Kalispell, MT 59904-0310


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JOHN H. BOTHE
(1951-1996)

January 26, 2006

Ms. Patricia Kessner
Clerk of Workers'
Compensation Court
P.O. Box 537
Helena, MT 59624-0537


RE: SCHMILL v. LIBERTY NW INS. CORP.
WCC No. 2001-0300

Dear Ms. Kessner:

Enclosed please find the Petitioner's Objection to Insurers' Motion for Extension of Time in regard to the above-referenced matter:

Should you have any questions concerning this matter, please contact me directly.

Sincerely,


LAURIE WALLACE
BOTHE & LAURIDSEN, P.C.

LW/rs
Enc.
cc: Bryce Floch